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THE
ANNANDALE
FAMILY BOOK
OF THE
JOHNSTONES, EARLS AND
MARQUISES OF ANNANDALE.

BY

SIR WILLIAM FRASER, K.C.B., L.L.D.

V. 2

IN TWO VOLUMES.

VOLII. CORRESPONDENCE AND INDEX.

EDINBURGH, 1894.

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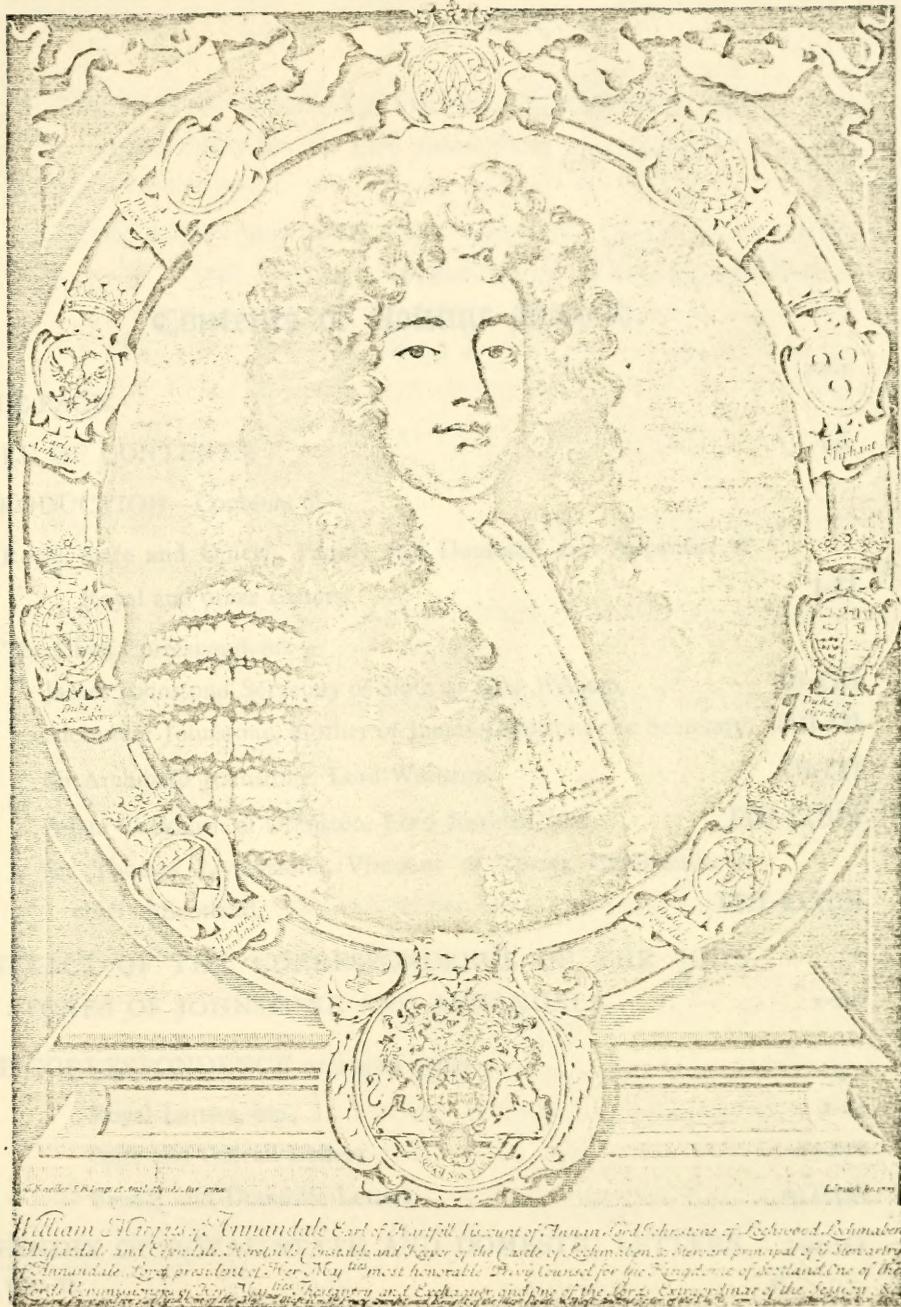
Marquis Annandale

Duke of Douglas

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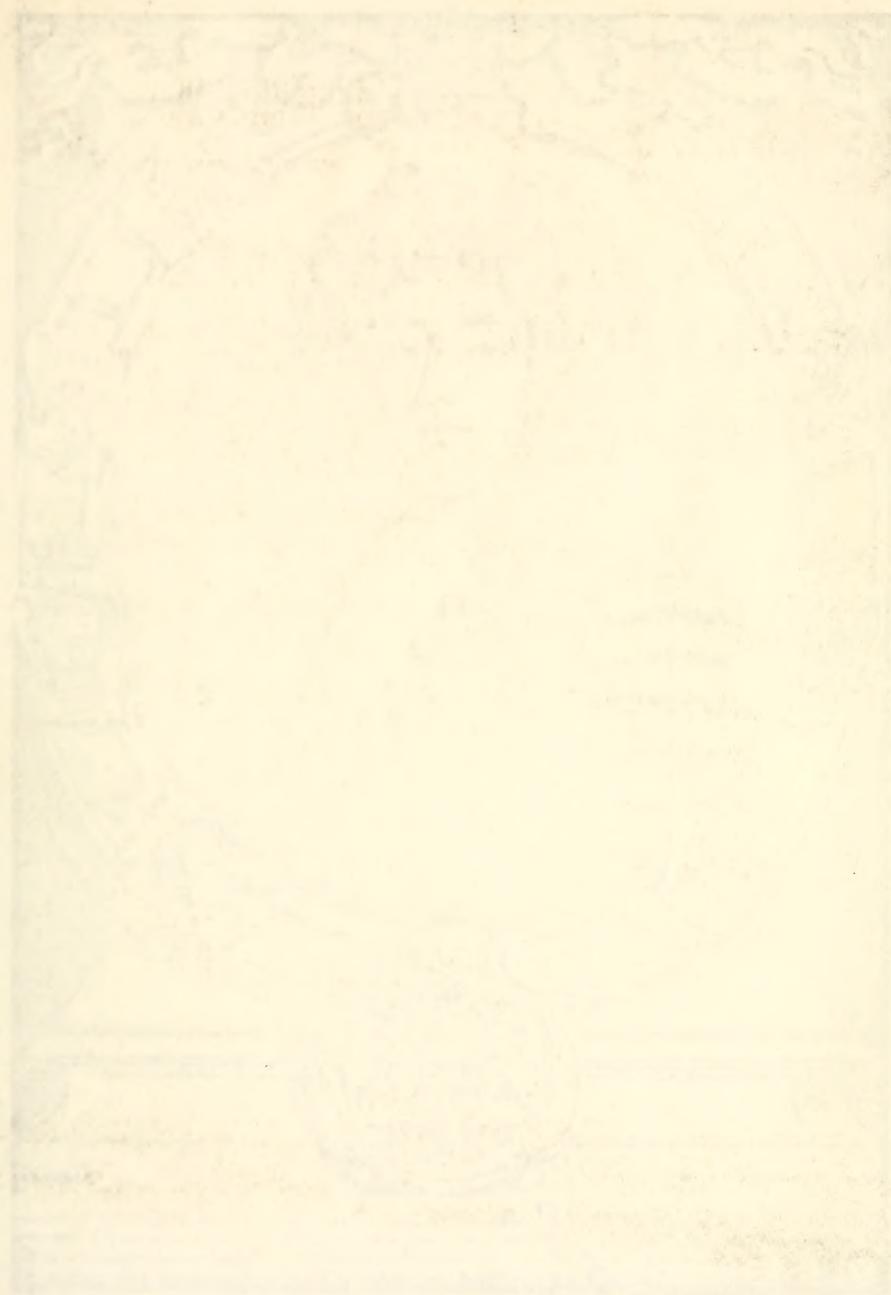
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William Murray, 1st Earl of Annandale, Viscount of Inver, Lord Chancellor of Scotland, Lord of the Household and Escheat, Lord of the Castle and Keeper of the Castle of Linlithgow, Sheriff principal of the County of Lanark, Lord president of Her Maj^y most honorable Privy Council for the Kingdom of Scotland, one of the Lord Commissioners of His Maj^y the Treasury and Exchequer, and one of the Lord Commissioners of the Treasury, &c.

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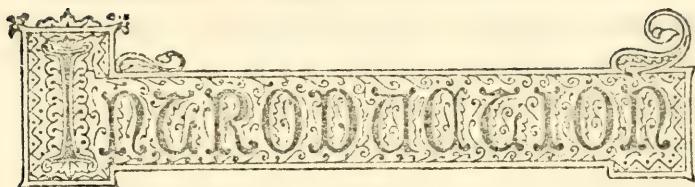
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TO THE SECOND VOLUME.

THE second volume of this work contains the correspondence of the Johnstones of Johnstone, both the earlier members of the family and the Earls and Marquises of Annandale. The correspondence consists of selections from the very large collection of letters in the Annandale charter-chest, and also from other repositories, including the charter-chests of the Earl of Mar and Kellie, Miss Leslie Melville of Melville, and others. These selections, which are four hundred and seventy-four in number, extend over a period of nearly three centuries, or from 1536 to 1821. They are divided into three sections:

I. ROYAL LETTERS.

These comprise missives from successive sovereigns of Scotland, from King James the Fifth to Queen Anne inclusive, with the exception of King Charles the Second. There is also one from Sophia, Electress of Hanover. Several of the letters from King James the Sixth show a warm interest in the young son of the murdered Sir James Johnstone of Johnstone and Dunskellie, knight. The royal letters range from 1536 to 1712.

II. STATE AND OFFICIAL LETTERS.

This is the largest section of the printed correspondence. It begins about the year 1573. The first letter is one from John, eighth Lord Maxwell,

warden of the marches, to John Johnstone of that ilk, regarding a complaint of the latter as to the apprehension of one of his servants. The letter which follows it is from James Douglas, fourth Earl of Mortoun, to Margaret Scott, Lady Johnstone, as to offers by the laird of Ferniehirst. The earl, who was regent at this time, is not explicit as to the nature of the offers in question. He was a firm supporter of Johnstone, as shown in his memoir. At the close of 1580, the date of the letter, Mortoun was deprived of the regency, and soon afterwards executed on a charge of complicity in the murder of Darnley. Sir Thomas Ker of Ferniehirst, whose offers form the subject-matter of the letter, on account of his share in the civil war on behalf of Queen Mary, had been exiled by Mortoun. The offers may have contained a proffered submission with a view to his return being sanctioned. At any rate he had returned to Scotland soon after this, and was one of the spectators at the execution of Mortoun.

Several of the letters in the section relate to Border matters. One letter, dated 23rd May 1633, contains a request to Sir James Johnstone of that ilk to attend with twelve or sixteen of his friends and servants "in guud equippadg" to convoy King Charles the First at his entry to Scotland. The largest and most important portion of this section of the correspondence, however, is that during the reign of King William and Queen Mary. William, Earl and Marquis of Annandale, rose to high official positions in the service of King William, and his correspondence, never hitherto published, concerns most of the events in that reign. Among the correspondents the following may be named—Sir John Dalrymple, Master of Stair, James Johnstone, secretary of state for Scotland, Alexander Johnstone, his brother, Sir Thomas Livingstone, commander-in-chief in Scotland, Colonel John Hill, governor of the fortress at Fort William, John, first Marquis of Tweeddale, chancellor, William Paterson, founder of the Bank of England and the ill-fated Darien adventure, John, Earl of Tullibardine, afterwards first Duke of Atholl, and Sir James Ogilvie, afterwards first Earl of Seafield, secretary of state,

Rev. William Carstares, and James, second Duke of Queensberry. A number of the letters relate to the massacre of Glencoe. One of these, written on 5th July 1695, by Lieut.-Colonel James Hamilton to the Earl of Annandale, excusing himself for not answering the summons to attend the court of inquiry into the massacre, is of special importance, and has hitherto been unknown. In the reign of Queen Anne, Sidney, Lord Godolphin, corresponded with the Marquis of Annandale on questions connected with the government—such as the Protestant succession and the union between Scotland and England. The correspondence extends to the period of the rebellion of 1715.

III. FAMILY AND DOMESTIC LETTERS.

These letters commence so early as 1563 with a letter by John Johnstone, commendator of the Abbey of Soulseat in Galloway, to John Johnstone of that ilk, in relation to law affairs in which he was engaged. This section embraces, among others, letters from Armstrongs and Grahames, also part of the correspondence of Lady Sara Maxwell, Lady Johnstone, and of Hugh, first Viscount Montgomerie of the Great Airds in Ireland, her third husband. It also includes letters from Lady Henrietta Douglas, countess of James, Earl of Annandale and Hartfell, and from Sophia, countess of William, second Earl of Annandale, and letters from Robert Johnstone, author of “*Historia Rerum Britannicarum*,” Sir Robert Kerr, Earl of Ancram, William Douglas, first Marquis of Douglas, Sir John Grierson of Lag of the Covenanting times, and a further extension of the correspondence of William, the first Marquis of Annandale. The correspondence under this section concludes with two letters, one of which is from Philip Yorke, Lord Hardwicke, afterwards Lord Chancellor of Great Britain, to George, third Marquis of Annandale, dated 6th April 1736, advising him about his education and travels. The other is a short letter of the great statesman, William Pitt, dated 30th April 1785, to James, third Earl of Hopetoun, about parliamentary affairs.

IV. APPENDIX OF ADDITIONAL ROYAL LETTERS, ETC.

This last section of the correspondence of the Johnstones of Johnstone, Earls and Marquises of Annandale, contains of royal missives several precepts by King James the Sixth to John Erskine, second Earl of Mar, treasurer of Scotland, about the repair of the royal castle of Lochmaben, and letters by King James the Seventh and King William the Third to the privy council to admit William, Earl of Annandale, to be a privy councillor.

Further instalments are given of the correspondence of James Johnstone when secretary of state, of the second Duke of Queensberry, Henry Dundas, secretary of state for the home department, and others.

The appendix of letters ends with one giving a lively and graphic account of the coronation of King George the Fourth. It was written by the Honourable Mary Hope Johnstone, daughter of Vice-Admiral Sir William Johnstone Hope, G.C.B., and Lady Anne Johnstone Hope.

NOTICES OF SOME OF THE CORRESPONDENTS OF WILLIAM, EARL AND MARQUIS OF ANNANDALE, WHOSE LETTERS ARE PRINTED IN THIS VOLUME.

JAMES JOHNSTONE, SECRETARY OF STATE FOR SCOTLAND AND LORD CLERK REGISTER.

James Johnstone was a younger son of Sir Archibald Johnstone, Lord Wariston, and Helen Hay, his wife, and was baptized at Edinburgh on 18th September 1655.¹

At the date of the execution of his father, Lord Wariston, in 1663, James

¹ Parish Registers of Edinburgh. A son of the same parents, also named James, was baptized at Edinburgh on 20th April 1637. (*Ibid.*) That son apparently had died young

and unmarried. In order to perpetuate in his family the Christian name of his father, Sir Archibald Johnstone bestowed the name of James a second time upon one of his sons.

Johnstone was only eight years of age. That blow was the ruin of the family. As the youth inherited much of the genius of his distinguished parent, his friends resolved on giving him a liberal education. In the unhappy circumstances of the times it was resolved that the education of James Johnstone should be obtained in Holland. In pursuance of this resolution he became a student in the university of Utrecht, and such was his application to his studies that he acquired the high distinction of being the greatest proficient in that seminary at the time. From Utrecht the eminent student travelled into Italy. There he met with several persons of distinction connected with the Revolution party in England, who were much interested in young Johnstone's capacity for business. They commissioned him to visit England in furtherance of their objects, and his mission was successful.

James Johnstone and Gilbert Burnet, afterwards Bishop of Salisbury and the historian of his own time, were first cousins through the marriage of the bishop's father, Lord Crimond, with Rachel Johnstone, sister of Lord Wariston. This relationship was the means of bringing James Johnstone under the favourable notice of King William. Bishop Burnet took a particular interest in the training of James Johnstone. The extent to which he did so may be gathered from what he himself states. When speaking of him he says, "whom I had formed, knew to be both faithful and diligent and very fit for the employment he was now trusted with."¹ The business referred to by the bishop was in connection with the Revolution scheme of 1688, which by the order of the Prince of Orange was intrusted to Mr. Sidney, brother to the Earl of Leicester, and to Algernon Sidney, who is described as "a graceful man of a sweet and caressing temper." Mr. Sidney was sent envoy to Holland in 1679, and enjoyed the confidence of the prince. The bishop, however, adds of him "that because he was lazy, and the business required an active man who could both run about and write over long and full ac-

¹ Bishop Burnet's History of his Own Time, vol. iii., second edition, 1833, p. 278.

counts of all matters, I recommended a kinsman of my own, Johnstone."¹ The Earl of Shrewsbury and Admiral Russel arrived in England from Holland in September 1688, and soon after them came Sidney with Johnstone, and they brought over a full scheme of advices with the heads of a declaration, all which were chiefly penned by Lord Danby.² After King William's accession James Johnstone was sent envoy to the Elector of Brandenburg. He published an account of the investiture of the Elector with the order of the Garter conferred by King William in a book entitled "Investing the Duke of Brandenburg with the Order of the Garter," 1690, folio.³ But Johnstone was too active an officer to remain as envoy on the Continent, and he was called home and made secretary of state for Scotland. His appointment is dated 3rd March 1692, and on the 2nd April following he received a pension or salary of £1000.⁴

Shortly after his appointment as secretary, he was fortunate in discovering a meditated descent on England by King James. Before King William went to Holland in March 1692 to prepare for an early campaign against France, he indicated his intentions in his speech to Parliament. But nothing definite was arranged, as there were neither men nor money to execute it. While the English were indulging themselves with the thoughts of a descent upon France, King James was also preparing for one on England. The French fleet, which was to sail from Cherbourg and La Hogue, was to land an army in Sussex, whence it was to march to London. Ignorant of these designs, the English were unapprehensive of any danger. William and his secretaries were much blamed for not procuring intelligence. The French sent over some persons to give their friends notice of their project. One of these was a Scotchman, and he communicated the first discovery of it to Secretary Johnstone. The scheme of the French was in this way exploded, and the secretary obtained all the credit for it.

¹ Bishop Burnet's History of his Own Time, vol. iii., second edition, 1833, pp. 277, 278.

² *Ibid.* p. 284. ³ Allibone's Dictionary, at name. ⁴ Register of the Privy Seal.

While Johnstone held the office of secretary of state for Scotland he formed an intimate friendship with William, second Earl, afterwards first Marquis of Annandale; and their private and official correspondence was very frequent and cordial, as appears from their letters printed in this volume. They did each other all the good offices in their power. The secretary while in office had opportunity of suggesting employments for the earl; for being about the king he was frequently consulted by his Majesty about vacant offices in Scotland. The first letter in this volume from the secretary to the earl is dated London, 29th July 1693, which was the year following his appointment as secretary. He says: "I rested Sunday and got well hither on Wednesday with the bad news. The queen was very fair, but I am to have some time, but she is already much disabused. The archbishop spares not my colleague, neither to the queen nor to others, for the trick he put on him."¹

The secretary again writes to Annandale intimating his appointment as President of the Privy Council. He likewise advises his lordship to write to Lord Portland on the subject, and "not to mince the matter of the false step you made, but to own it and your sense of it, of which you may say you have given ever since sufficient proofs, and have not so much as lived in friendships with any of your old associats."² He writes again, giving an account of Queen Mary's death: "She said all along that she believed she was dying, since they all told her it was so, but that she felt nothing of it within. She had her senses to the last, and suffered very few moments or none at all. She received the sacrament, and told the archbishop that she had always been against trusting to deathbed repentance, and therefore had nothing to doe. The king says that she never offended him now in seventeen years time that they have been married."³

Besides the letters now referred to as written by James Johnstone,

¹ Vol. ii. of this work, p. 60. ² London, 6th December 1694, *ibid.* pp. 79, 80.

³ 28th December 1694. *Ibid.* p. 88.

and printed in this volume, numbering about forty, dating between the year 1693 and December 1704, he continued to correspond with Annandale after he had left the office of secretary, and a number of his holograph letters are still preserved in the Annandale charter-chest. These non-official letters are fully as interesting as those which he wrote as secretary.

Between the years 1693 and September 1694 Secretary Johnstone had much official correspondence with the Rev. William Carstares, who was confidential secretary to King William during the whole of his reign. Mr. Carstares' official correspondence and state papers were published by the Rev. Dr. Joseph McCormick in the year 1774, and contain many of Secretary Johnstone's letters, as well as those of his brother, Alexander Johnstone, who assisted him in the office of secretary.

Conjoined with Johnstone in his office of secretary for Scotland was Sir John Dalrymple, better known as Master of Stair. He was the eldest son of Viscount Stair, President of the Court of Session, and was a man of great ability. These two secretaries, Johnstone and Dalrymple, entered their office as secretary, and were relieved of them by the king about the same time after a service of five or six years. During their tenure of office two subjects of great interest occurred which appear to have led to the supersession of both of the secretaries. The one subject, popularly known as the Darien Scheme, was projected by William Paterson, the founder of the Bank of England. Paterson had succeeded in floating the Darien speculation, and had so impressed the public mind of Scotland, that all parties, high and low, rich and poor, vied with each other to become subscribers, in the sure prospect, as Bishop Burnet says, that they were to realise "mountains of gold." More money was subscribed than was previously believed to exist in all Scotland. The other subject referred to was the massacre of Glencoe. Both subjects have been particularly treated in volume I. of the present work.¹ Darien, which was such a sad failure, and Glencoe, which was

¹ Pp. cclxxviii.-cxc.

denounced by Parliament as such a barbarous murder, gave great annoyance to the king, and induced him to part with his joint secretaries, believing, as he said, that he had been ill served in Scotland.

Although King William removed James Johnstone from the office of secretary of state for Scotland, in the circumstances now described, he was by no means insensible to the valuable services he had rendered to him during his tenure of office, and previous to that time. Nor was he wanting in giving him some tangible acknowledgment of these services. On 21st April 1697, a year after James Johnstone demitted office, the king bestowed upon him a gift of £4000, a considerable sum at that period. King William gave no mark of recognition to Sir John Dalhymple, who, as joint secretary, demitted office at the same time as James Johnstone. This distinction made the favour conferred upon the latter to be a more marked one than it would otherwise have been. The king's reason for granting the gift, and the nature of the Bishops' rents from which the money was authorised to be taken, are stated as follows:—

"And wee being resolved for divers considerations to bestow a mark of our royal favor on our trusty and welbeloved James Johnstoun, sone to the deceast Sir Archibald Johnstoun, Lord Waristoun, wee did therfore declare it to be our pleasure that out of the first and readiest of the wards, marriages, entries and compositions above mentioned that shall be agreed on for renewed ryghts and tacks and entry of vassells, whither heirs or singular successors, the said lords of thesaury should cause to be paid to the said James Johustoun, his heirs or assignees, the sum of £4000," etc.

A commission was given to Henry Douglas, writer in Edinburgh, with power to him to nominate factors to carry out the terms of the gift, and to prosecute where necessary for payment thereof. Henry Douglas and his factors were to receive for their charges "of what he received after payment of the £4000." The commission was to be void as soon as the gift and charges were paid.¹

¹ Warrant of the king in the Privy Seal Register.

Difficulty was experienced in giving effect to the gift to James Johnstone, and the king, coming to understand this, gave another warrant on 30th May 1699 confirming the former gift and commission, and extending it to other sources of revenue.¹

After Johnstone was relieved of the office of secretary he occasionally corresponded with the Earl of Annandale. He also entered into marriage the second time. Writing from Islington on 14th August 1696, he intimates this auspicious event thus: "I am maried, so as that I shall be very easy both because of my circumstances, and much more because of the temper of the personn."² In a subsequent letter written by him after he was appointed lord clerk register, he mentions that he had then no children—"for my own part," he says, "I have noe family nor posterity to drudge for."³

In reference to these statements of James Johnstone that he was married by August 1696, and that he had no children in December 1704, it has to be noticed that he refers to his son in April 1693.⁴ Johnstone had been married previous to that date. He was then thirty-eight years of age. His first wife must have died before 1696, when his second marriage was announced by him to Annandale. His son had probably died between 1693 and 1704 when his father says he had no family or posterity to drudge for.

On the accession of Queen Anne, James Johnstone was appointed to the office of lord clerk register on 2d June 1704, with a pension or salary of £400 sterling. But he only held the office for about a year.

¹ Warrant of the king in the Privy Seal Register. As still further indicating the favour of the king to James Johnstone, notwithstanding his removing him from the office of secretary, annual pensions of £120, in addition to the yearly pension of £30 formerly settled on them, were, on 29th May 1696, given by the king to Margaret Johnstone, Lady Bogy, Helen Johnstone, Lady Graden, and Eupham Johnstone, sisters of James Johnstone, and to Marie Johnstone,

widow of his brother, Thomas Johnstone, and to Marie Johnstone, their daughter. These pensions were to be "at the direction of our trusty and well-beloved James Johnstone, Esq., late secretary of state for our said kingdom, their brother and uncle." [Privy Seal Register.]

² *Infra*, p. 125.

³ Letter, dated London, 26th December 1704. *Infra*, p. 217.

⁴ Carstares State Papers, p. 155.

James Johnstone now amused his leisure with planting and gardening, in which he had very good taste. He continued to reside, when in England, at Twickenham in Middlesex.¹ He, however, paid several visits to the court of Hanover, where King George the First conversed with him familiarly, and Queen Caroline was much entertained with his humour and pleasantry.²

The "Memoirs" of the secret services of John Macky, Esq., published by his son, Spring Macky, Esq., in 1733, include the respective characters of the persons of distinction who figured in the revolution of 1688. They were drawn at large by Mr. John Macky by direction of Her Royal Highness Princess Sophia. Among the numerous characters so drawn is "Secretary Johnston, now Lord Register." His education and appointment as envoy to the Elector of Brandenburg, and other services, are favourably stated in this descriptive account of him. But Macky adds:—

"That passing a bill in the parliament of Scotland for establishing an African and American company, which the parliament of England represented as of ill consequence to their trade, he was at once thrown out of all, and what was very strange, the Whigs, whose interest it was to support him, joined in the blow. This soured him so as never to be reconciled all the king's reign, tho' much esteemed; but now by the queen he is made lord register, the best employment in Scotland."

Macky sums up the character of Secretary Johnstone thus:—

"He is very honest, yet something too credulous and suspicious; endued with a great deal of learning and virtue; is above little tricks, free from ceremony; and would not tell a lye for the world. Very knowing in the affairs of foreign courts, and the constitution of both kingdoms; a tall, fair man, and towards fifty years old."³

Ostensibly, as secretary of state for Scotland, Johnstone should have had the principal share with his colleague, Sir John Dalrymple, in the affairs of that country. But as King William was a foreigner, he chose a countryman

¹ Vol. i. of this work, pp. ccclxxiii, cccvii.;
vol. ii. p. 206.

² Carstares State Papers, p. 93.

³ Macky's Characters, pp. 204-206.

of his own, Hans William Bentinck, who was in the service of the prince from an early period, and who was soon created Earl of Portland and Knight of the Garter, to have the principal management of Scotland. But as the earl himself was a foreigner, and knew little of Scotland, he intrusted all the principal affairs of that country to the Rev. William Carstares, who had retired from Scotland to Holland. Carstares there contracted an intimate acquaintance with Bentinck, and was his domestic chaplain. After the revolution was settled, few Scotchmen had access to the king but by Carstares. He was properly *Viceroy* of Scotland, and was called at court *Cardinal Carstares*. Lord Macaulay, in his History, extols the high qualities which Carstares possessed for that delicate position, and he continued to hold the confidence of the king during all the time of his employment. Notwithstanding his high eulogium of Carstares, Macaulay adds of him in a note: "I believe, however, that Carstares, though an honest and pious man in essentials, had his full share of the wisdom of the serpent."¹ In Carstares' published State Papers above referred to, Secretary Johnstone and his brother Alexander will be seen to have had much correspondence with Carstares, chiefly in the year 1693, when the parliament of Scotland was in session. But the letters in this volume also show that the Earl of Annandale had some misgivings of the sincerity of Carstares, and he refers to one of his "masterpieces."² Carstares was not a favourite of Macky, part of whose description of him in his Characters prepared for the Princess Sophia, as it specially touches Secretary Johnstone, may be here quoted:—

"He is the cunningest, subtle dissemlbler in the world, with an air of sincerity, a dangerous enemy, because always hid. An instance of which was Secretary Johnstoun, to whom he pretended friendship, till the very morning he gave him a blow, tho' he had been worming him out of the king's favour for many months before; he is a fat, sanguine complexioned fair man, always smiling, where he

¹ Macaulay, vol. iii. pp. 297, 298.

² Letter, c. March 1693, p. 160 of this volume.

designs most mischief, a good friend when (he) is sincere ; turned of fifty years old."¹

On a letter from James Johnstone to William, Earl of Annandale, undated, but probably written in or about the year 1693, the armorial seal of the writer is still attached. It is a well-engraved seal, of moderate size, bearing a saltire and in chief three stars or mullets of four points each. There is a helmet and fine mantling. The seal is in good preservation, with the exception of the top border, which is slightly injured. At that part there is something that looks like a crest, but it is impossible to say that it is actually a crest or what the object is. The seal shows that while the writer adopted the old saltire obtained from the Bruces, he did not use the three cushions in chief invariably borne by the Johnstones of Johnstone and Annandale. This seal therefore shows that Secretary James Johnstone did not claim to be descended from the Johnstones of Johnstone and Annandale, otherwise he would have assumed their invariable three cushions in chief.

ALEXANDER JOHNSTONE, SON OF SIR ARCHIBALD JOHNSTONE,
LORD WARISTON.

Alexander Johnstone was baptized on 23rd November 1648,² and was probably born in that year. His elder brothers must have died before 1672, as on 30th June of that year he is described as the eldest son and apparent heir to Sir Archibald Johnstone of Wariston.³ He was brought up to the profession of the law, and was for several years in practice in Gray's Inn, London. After the accession of King William, when the forfeiture of his father was rescinded, Alexander Johnstone wrote a letter to George, Earl of Melville, secretary of state and high commissioner to the parliament at Edinburgh, thanking him for his assistance in the matter. He calls the act a

¹ Macky's Characters, pp. 210, 211.

² Parish Registers of Edinburgh.

³ Acts of the Parliaments of Scotland, vol. ix. p. 213.

"vindicating my father's memory." But he explains to his lordship that the restoration was only to a name, adding, "my father's just debts contracted during his troubles for the publick sinking his small fortune to nothing," especially considering the gifts made to Spotswood and others, "who," he says, "are broke and insolvent."¹

When his younger brother James was appointed secretary of state for Scotland, Alexander Johnstone assisted him in the duties of that office, especially in conducting the correspondence incident to it. He also largely employed himself in discovering the movements and designs of the Jacobites and communicating them to the government. On 18th September 1694, he states, in a letter to Carstares, that at that time he had been five years engaged in that work, and that he was "the only private man that carried on such a chain of services in this way since this happy revolution."² In this connection he was a frequent correspondent of Carstares, and his letters to him, ranging from May 1693 to September 1694, are printed in the Carstares State Papers.³

A number of letters from Alexander Johnstone are also printed in this volume. Upon the office of teller in the exchequer becoming vacant by the death of Mr. Mainard, he applied to Mr. Carstares to assist him in obtaining the office from the king. In two letters which he wrote to him upon the subject, dated 11th and 18th September 1694 respectively, he urges the value of his services, and as the appointment was worth £1000 or £1400, and the duties nominal, he claimed that he would be in a better position more effectually to continue to render service to the government in the way he had hitherto done.⁴ It does not appear what success he had in this application.

Alexander Johnstone was living in London in May 1696. This is known from an expression in a letter of his brother James to the Earl of Annandale

¹ 21st August 1690, Leven and Melville Papers, p. 497.

² Carstares State Papers, p. 226. ³ *Ibid.* pp. 185-227.

⁴ *Ibid.* pp. 224-227.

in which he writes: "If any sure bearer be coming to the Bath or to London, where they will find my brother, pray let me know the present disposition of people with relation to the next parliament, and send me a copy of that paper I dictated to you when you went from this, for there are some things in it that I remembered better than I can doe since. I would not starve my brother and sisters, and therefore have abstained even from appearances."¹

Alexander Johnstone was married to Perrer, and it is probable that Jasper Johnstone of Wariston was his son. Jasper Johnstone of Wariston [1704] left a daughter and heiress named Marion, who married Wood, and had a son, Jasper Wood of Wariston and Curriehill.

SIR ARCHIBALD JOHNSTONE, LORD WARISTON, TWICE LORD CLERK
REGISTER OF SCOTLAND, 1633-1663.

During the reign of King Charles the First there were three eminent Scottish statesmen of the Christian name of Archibald. These were—(1) Archibald Campbell, Marquis of Argyll, called by Mark Napier King Campbell; (2) Sir Archibald Johnstone, Lord Wariston, who with Alexander Henderson, was the founder of the Second Reformation; (3) Sir Archibald Primrose, Lord Carrington, ancestor of the Earls of Rosebery, and who, according to Burnet, was such a born orator, that his eloquence could not be kept out of the preamble of Acts of Parliament prepared by him. His oratory has descended to his present representative, Archibald the Premier. The first and second Archibalds endured a similarity of fate; and it was owing to the intervention of the first Archibald that the third escaped the same ultimate fate as the other two.

Although Lord Wariston was a very distinguished Johnstone, and held high offices connected with the Church and State, it would be outside the scope of this work on the Johnstones of Johnstone and Annandale to enter

¹ Unprinted letter in Annandale Charter-chest, dated London, 18th May [16]96.

upon a detailed biography of this particular Johnstone, who was not connected by birth with the chiefs of Johnstone. The very prominence of Lord Wariston has induced several authors to give interesting accounts of him. The first of these was Gilbert Burnet, bishop of Salisbury. From the near relationship of nephew and uncle existing between the bishop and Wariston, the account which the former gives of the latter in his "History of his own Time," has been accepted as accurate by subsequent writers. These include Wodrow in his "History of the Church," Mr. Robert Chambers in his "Biographical Dictionary of Eminent Scotsmen,"¹ and others. It is therefore unnecessary to reproduce the biography of Lord Wariston, who, although a Johnstone, figures little in the present work in any other character than as the father of two of his sons, James and Alexander. The first of these sons, as Secretary of State under King William, was a frequent official and private correspondent of William, first Marquis of Annandale. As Secretary Johnstone has been rather overlooked and partly misrepresented, it has been deemed an act of justice to a Johnstone in a Johnstone book to state briefly his real position. In the notice of him and his true ancestors, such mistakes as have crept into the biography of his father by previous authors may be pointed out.

The first of the Johnstones who were the undoubted ancestors of Lord Wariston was Gavin Johnstone in the Kirkton of Kirkpatrick-Juxta. He possessed these lands of Kirkton in the year 1541. He received a charter from Ninian Graham of Thornick of the lands of Milntoun and others in the barony of Thornick, dated 17th December 1549.² Gavin Johnstone survived till 15th August 1555.³

He was succeeded by his son, James Johnstone, designated as in Middle-gill, who was a witness to a charter by James, Earl of Morton, to Thomas Johnstone of Craigoburn, dated Dalkeith, 1st May 1580. James Johnstone

¹ Vol. iii. p. 251.

² Annandale Inventory.

³ *Ibid.*

in Middlegill also appears in the list of the Johnstone Clan, 1581-1587.¹ He had a brother, Gavin Johnstone, designated as in Middlegill, in 1607.²

JAMES JOHNSTONE OF BEIRHOLM, THE THIRD IN LINE.

He was retoured heir to his grandfather, Gavin Johnstone in Kirkton of Kirkpatrick-Juxta, 28th April 1608.³ James Johnstone appears to have survived till 16th December 1622, but to have died before 21st December of that year, when Thomas Johnstone is designated of Beirholm.⁴

THOMAS JOHNSTONE OF BEIRHOLM, THE FOURTH IN LINE.

Thomas Johnstone of Beirholm and his brother, Andrew Johnstone, merchant burgess of Edinburgh, granted bonds to Wilkin Johnstone, burgess of Edinburgh. Wilkin obtained a decree of apprising against the former in 1624, which was assigned to Samuel Johnstone of Scheyns, advocate, in 1629, who sold the lands apprised, and the five-merk lands of Marjoribanks and others to James, Lord Johnstone. Beirholm and Marjoribanks have since formed part of the extensive Annandale estates.⁵

THE WARISTON BRANCH OF THE JOHNSTONES OF BEIRHOLM.

The first of this branch was Archibald Johnstone, merchant burgess of Edinburgh. He was undoubtedly a cadet of Beirholm, and apparently brother

¹ Vol. i. of this work, p. xviii.

² Register of Privy Council, vol. vi. p. 681.

³ Retours—Dumfries, No. 52.

⁴ Annandale Inventory.

⁵ The latest notice of this family that has been found is contained in a letter of J. Kennedy to William, Marquis of Annandale, dated Edinburgh, 9th April 1702:—"My lord, I must humble beg leave to mynd your lordship of Archibald Johnstoun, Beirholms second sone. He is idle, which is ill breeding for a young man, and it is

not his choice. Your lordship posted his brother at Dumfreis, and I hope he shall do verie well in it. Ther is now by the death of George Gordoun this morning a vacancie of one of the macers of privie councill. If your lordship would get that post to Archibald Johnstoun, it would be a mean of subsistance to him, and put him in a better capacitie to be a servant to your lordship and your familie." [Original letter in Annandale Charter-chest.]

of James Johnstone of Beirholm, who was served heir to his grandfather, Gavin, 28th April 1608. The Christian names of James and Archibald were continued alternately for several generations in the Beirholm and Wariston lines. James was the Christian name of the father and brother of Archibald, the great merchant. He named his eldest son James, and he in turn named his eldest son Archibald, who became Lord Wariston, and who again named two of his sons James.

Archibald, the successful merchant, married Rachel Arnot, daughter of Sir John Arnot, provost of Edinburgh, treasurer-depute, and his wife Margaret Craig. Archibald prospered in his business, and acquired considerable wealth, as appears from the confirmation of his testament, 28th April 1619. He died 5th March 1619. Rachel Arnot survived him, and died 20th March 1626.¹ Archibald was not unmindful of the place of his birth and the graves of his ancestors. He left a bequest to his native parish in these terms, "Item, I leif ane hundreth merkis to help the repairing and compleiting the kirk callit Kirkpatrick-Juxta, quhair my predecessoures banis lyis." This disposes of the erroneous statement that the Johnstones of Wariston were descended from the Johnstones in Aberdeenshire.²

Archibald Johnstone and Rachel Arnot had three sons and two daughters.

1. James, merchant burgess of Edinburgh, father of Lord Wariston.
2. Samuel Johnstone of Scheens, advocate.
3. Joseph Johnstone, of Hilton, Berwickshire, whose grand-daughter, Sophia Fairholm, became first Marchioness of Annandale.
4. Rachel Johnstone, married to Sir James Skene of Currichill.
5. Janet, married to John Jackson.

James Johnstone, merchant burgess of Edinburgh, was the eldest son of Archibald Johnstone, the rich merchant burgess of Edinburgh, and pre-

¹ Edinburgh Testametary Records.

² Genealogy of the Johnstones in Shire of Aberdeen, 1832.

deceased his father. He married Elizabeth Craig, daughter of Sir Thomas Craig of Riccartoun, and by her, who survived him, he had issue one son, Archibald of Wariston ; and three daughters—Rachel, who married Robert Burnet of Crimond, a lord of session, and was mother of Gilbert Burnet, D.D., Bishop of Salisbury ; Margaret and Beatrix.

Archibald Johnstone, Lord Wariston; was the only son of James Johnstone, merchant burgess of Edinburgh. James predeceased his father, Archibald, who by his will made provision for Archibald, “my oy” (grandson), son of the late James Johnstone, his eldest son, and Elizabeth Craig his spouse. The provision referred to was a heritable bond for 21,000 merks Scots to himself and his wife in liferent, and the late James and his spouse in fee, in fulfilment of part of their contract of marriage anent the price of four oxgates of land in Restalrig. That sum was provided to the heirs of James and Elizabeth Craig, besides heirship goods, houses and heritages, whereto these heirs would succeed after his death, which his father Archibald had not disposed to his younger sons. Under that provision, therefore, Archibald the grandson became possessed of houses and heritages in Edinburgh belonging to his grandfather.¹ Archibald Johnstone, the grandson, was bred to the profession of the law and was called to the Scottish bar in 1633. About the same time he married Helen Hay, daughter of Sir Alexander Hay of Foresterseat, one of the senators of the college of justice.

In the year 1636, Elizabeth Craig, widow of James Johnstone, merchant in Edinburgh, and her son, Archibald Johnstone, advocate, and Helen Hay his spouse, obtained a charter, dated 4th April 1636, from King Charles the First, for himself, and as tutor to his son, Charles, prince and steward of Scotland, baron of the barony of Renfrew, etc. The charter is in favour of Elizabeth Craig in liferent, and Archibald Johnstone and Helen Hay, spouses, in joint-fee, and the heirs of their bodies, whom failing, the nearest

¹ Testament of Archibald Johnstone; 28th April 1619, Commissariot of Edinburgh vol. 50.

heir of the said Archibald whatsoever, of the lands of "Warestoun," with manors, buildings, gardens, in the barony of Renfrew by annexation, and in the shire of Edinburgh, to be held of the prince and steward of Scotland. The lands thus acquired by Archibald Johnstone from his wife's brother, Alexander Hay, were previously in the family of Hay. They are designated as within the barony of Renfrew, like other property of the prince of Scotland and baron of Renfrew, and in the shire of Edinburgh. Wariston lies in the parish of Currie, and forms part of the estate of the Earl of Morton, near Dalmahoy, having been acquired by the earl from the successors of Archibald Johnstone, to one of whose sons the lands were restored after the revolution of 1688. The lands of Warestoun are described in the charter of 1636 as having a manor-house, buildings, and apple-gardens, but the house must have been of very moderate extent. Archibald Johnstone, the acquirer of the lands, had, as Bishop Burnet says, thirteen children, but he had no anxious desire to advance and aggrandise them, although, having so much of the management of Scotland in his hands, he could have done so if he had been inclined. It is said that he "conquest" no lands but Warestoun of the avail of one thousand merks Scots a year, "where he now lives freed of trouble of state or country." In the detailed biography of Lord Wariston given in the Lives of Eminent Scotsmen, it is stated that Wariston is "a small estate, so near Edinburgh as to be now encroached upon by its suburbs."¹ There are two properties; called Easter and Wester Wariston, also in the county of Edinburgh. These are locally situated between Edinburgh and Leith, but they are quite separate and distinct from the lands of Warestoun in the parish of Currie, and never belonged to Lord Wariston. There is still an old manor-house on the Warestoun property, now occupied by the tenant of the farm under Lord Morton.

After the acquisition of Wariston by Sir Archibald Johnstone in the

¹ "Eminent Scotsmen," volume iii. p. 261.

way now detailed, the lands were provided to Archibald Johnstone, his son, as appears from a crown charter, dated 20th November 1643.¹ This provision of the lands of Wariston to the son, Archibald, had been owing to a special family arrangement, as it appears from the Edinburgh Parish Register of Baptisms that Archibald, the grantee of the charter, in 1643, was baptized on 13th January 1638. His age in 1643 would be only five years. He apparently died young and unmarried, as the property was inherited by his younger brother, Alexander, who was baptized on 23rd November 1648, and is called the eldest son of Lord Wariston in 1672. It was, although not by name, in his favour as the representative of the Johnstones of Wariston that an Act of Parliament was passed reversing the forfeiture of his father. Alexander, while thanking Lord Melville for the boon of the reversal of the forfeiture of Lord Wariston, writes that the lands were of no use to him, being overburdened with debts incurred by his father for the public service, and had besides been squandered by nominees while under forfeiture.

Of the thirteen children of Lord Wariston mentioned by Bishop Burnet, the baptisms of eleven of them are recorded in the Parish Register of Edinburgh between the years 1636 and 1660. These eleven children were apparently all baptized in the city of Edinburgh, where Lord Wariston had a town house in addition to his country residence of Wariston near Currie.

¹ Register of the Great Seal, Book 57, No. 327.

A large, handwritten signature in black ink, likely ink-jet, occupies the bottom half of the page. The signature is written in a cursive, flowing hand. It begins with 'Johnstone' on the left, followed by 'Archibald' and 'Johnstone' on the right, separated by a flourish. The signature is somewhat faded and has a slightly irregular, organic appearance.

ADAM COCKBURN OF ORMISTON, LORD JUSTICE-CLERK.

The family from which Adam Cockburn was descended is one of ancient lineage, tracing their descent through the Cockburns of Langton from the thirteenth century. In the time of Queen Mary the family were among the most prominent and zealous of the adherents of the Reformation. Adam Cockburn in this respect maintained the traditions of his family. He was a younger son of John Cockburn of Ormiston and Margaret Hepburn, his wife. On 28th December 1671, he was retoured heir-male to his brother, John Cockburn of Ormiston, in the lands and barony of Ormiston.¹

In 1679 he married Lady Susanna Hamilton, daughter of John, fourth Earl of Haddington. The contract of marriage, dated 13th March 1679, is subscribed by as many as seventeen witnesses, including the Earl of Rothes, lord chancellor, who added "Cancellar" after his name as if he had been subscribing an official writ. He, however, upon ascertaining his mistake, substituted the word "witness" for that of "Cancellar," which he scored through with his pen.²

Cockburn continued to take a warm interest in the family with which he had now connected himself by marriage. Next to the mother of Thomas, sixth Earl of Haddington, who was only five years old when his father died in May 1685, Cockburn, as the husband of his aunt, took an interest in the young earl. So much was this the case, that the earl is said to have been an apt pupil to him, and to have imbibed his political opinions from him. Lockhart describes him as "one of Cockburn of Orm-

¹ Retours for Haddingtonshire, No. 309.

² Memorials of the Earls of Haddington, vol. i. p. 224. From that Work other information about the marriage may be got. The Household Book kept at Tynningham shows that Cockburn was a frequent visitor at Tynningham during the months preceding and

succeeding his marriage. It also shows the provisions for the table, their cost, and the actual consumption of them during the marriage week ending 18th March 1679. The expenditure for the table that week amounted to £889, 14s. 6d. Scots. [*Ibid.* pp. 225-230.]

toun's beloved pupils."¹ He was nominated by David, third Earl of Northesk, in his will, dated 3rd December 1686, one of the tutors of his children.²

He early took part in public affairs, and continued to be an important actor in them for at least half a century. In 1678, he entered parliament and represented the shire of Haddington in the convention of estates which met in that year, and in the third parliament of King Charles, which sat in 1681.³ At the last of these there was a double election for that shire, and the committee appointed to inquire into it sustained the commission of Cockburn and rejected the other commission. On 18th August 1681 he took the oath of allegiance and of parliament and subscribed the declaration.⁴

At the revolution of 1688, Adam Cockburn warmly espoused the cause of King William, by whom he was soon called to take a more active part in the business of the country. He again represented the shire of Haddington at the meeting of the estates on 14th March 1689,⁵ and in the course of that year received several public appointments. As one of the barons, on 23rd March he subscribed the letter of congratulation from the estates to King William. He was placed as a baron on the committee of twenty-four for settling the government of the nation. He was a commissioner for supply in this and in the following year. He was also one of the commissioners for ordering the militia in the several shires. He was placed on the committee for reporting on the revenue, and also on the committee of estates.⁶ On 23rd April he was nominated by the estates of Scotland one of the commissioners to treat for a union with England.⁷ When the convention of estates was to be converted into a parliament, Cockburn was one of six appointed as a committee to bring in an act

¹ Memorials of the Earls of Haddington, vol. i. pp. 239, 247.

² History of the Carnegies, Earls of Southesk, vol. ii. p. 367.

³ Acts of the Parliaments of Scotland, vol. viii. pp. 214, 232.

⁴ *Ibid.* p. 239.

⁵ *Ibid.* vol. ix. pp. 4, 96, 107.

⁶ *Ibid.* vol. ix. p. 79.

⁷ Memorials of the Montgomeries, Earls of Eglinton, vol. ii. pp. 341, 342.

constituting it a parliament. His name also appears in a list, dated 18th May 1689, of persons to be appointed on the privy council of Scotland by King William.¹ Soon after, as a member of privy council, he subscribed at Edinburgh, on 25th July 1689, a commission to the Earls of Argyll, Glencairn, and Eglinton to command a detachment of troops.²

Cockburn again sat in parliament in 1690,³ and in September of that year he subscribed the Representation by the parliament of Scotland to King William the Third as "Ad. Cockburne of Ormestoun for the shire of Hadintoun."⁴ Serving his country in so many capacities, he could not long be without promotion to some more permanent office. On 28th November 1692 he was appointed lord justice-clerk in room of Sir George Campbell of Cessnock, and on the 12th of the following month he was formally admitted to office. The commission granting him the office, which he presented to parliament on 18th April 1693, bears that the king was abundantly satisfied with his integrity and excellent endowment, by which he was every way fitted for exercising the office.⁵

He was on friendly terms with William, Earl of Annandale, corresponding frequently with him, as shown by his letters to the earl printed in this volume. He endeavoured, when occasion offered, to do him any favour. Alexander Johnstone, brother of Secretary Johnstone, gives an instance of this. In a letter to the Earl of Annandale, dated 15th February 1694, he says he is heartily glad that the lord justice-clerk and others had given the king "soe true and full account of your zeale and serviceableness in the government," adding, "I am confident you will reap benefit by it."⁶

On 2nd January 1695 he subscribed in Edinburgh an Address of the privy council of Scotland to King William on the death of Queen Mary.⁷ He set

¹ The Sutherland Book, vol. iii. p. 217.

² Memorials of the Montgomeries, Earls of Eglinton, vol. ii. pp. 343, 344.

³ Acts of the Parliaments of Scotland, vol. x. p. 231.

⁴ The Melvilles, Earls of Melville, and the Leslies, Earls of Leven, vol. iii. pp. 209-213.

⁵ Acts of the Parliaments of Scotland, vol. ix. p. 243.

⁶ P. 68 of this volume. ⁷ *Ibid.* p. 90.

out for London shortly after this, where he arrived on the 30th of that month. Of his journey and arrival there he writes a day later to the Earl of Annandale. He says, "Last night we arryved all safe here, which was sooner than I doe beleieve ever this journey was made in such weather. They did not expect us for some days, but they tell us good news, that the sooner we are come we are to be the sooner sent home again."¹ He had an audience of the king soon after his coming to London, and on 16th February he writes to the Earl of Annandale that he had an interview with the Earl of Portland, and adds, "Your lordship had that justice done you I was capable to doe."²

About this time Cockburn got into disfavour with some. Indications of this are not wanting in his correspondence, in which he complains of false reports which were current about him. In a letter to Annandale, he writes that he doubts not lies will in abundance be spread on purpose with him, and adds sarcastically, "and no wonder, for though the mother be dead the father and many sons are yet alive." He is however sure that idle stories will not make him lose the earl's good opinion of him.³ He was one of the nine commissioners appointed to inquire into the massacre of Glencoe.⁴ This, and the powers intrusted to him, and his alleged rigour in using these powers, brought him into further odium, at least with Argyll and some others. About three months after receiving this commission he writes to Carstares on the subject:—

"I'm glad of one thing, they will see you still own yourself to be my friend ; and all the lying stories they are able to send abroad have not hindered that far our correspondence. There is nothing I love worse then to chase clashes. You had account of what I met with from Kilmarnock ; and when I tell you that Argyle publickly in Parliament challenged me to ask satisfaction which way I pleased, when he reflected on the whole commission of Glenco ; for the rest, he

¹ P. 97 of this volume. ² *Ibid.* p. 101. ³ 7th March 1695. *Ibid.* p. 104.

⁴ 26th April 1695. Vol. i. of this work, p. cclxxix.

said he would not reflect on them ; but for that gentleman (meaning me), who thought himself reflected on, he should have satisfaction which way he pleased. This and other flashes I have borne ; but do not think me fee, only my moderation hath at this time appeared, though I hear it's all one whether it had or not, but so it is not with myself, for I have peace. . . . Had I been revengeful I had fair opportunities when my Lady Argyle's petition came twice in."¹

The Earl of Argyll, some months later, gives expression to his complaints against the lord justice-clerk with even a greater display of feeling in a letter also written to Carstares. He says :—

"The chancellor and L[ord] Murray concurring with him, has placed the main trust in justice-clerk and Sir Thomas L[ivingston], who has power to seize persons, horses, and arms, without being obliged to be accountable to the council, make close prisoners, or otherwise, as they see fit. In so much that the justice-clerk acquainting the council the other day that Lady Largoe was seized, desired the council's order to send her to the castle. I said it was probable enough there might be just occasion for it, she having been formerly under the same circumstances, and considering her profession and character in relation to the government, but that I desired to know somewhat of which she was presently accused of, which was denied me, saying, 'Somebody was to be trusted, and everybody was not ;' in short, treated me as one not to be trusted. The three prisoners in the castle, Sir William Bruce, Sir William Sharp, and Lord something, who was formerly a lord of the session, are by the same secret committee made close prisoners, and we are to know no cause for it. I shall suffer anything at this time for the king's service ; but I flatter myself it is not the king's mind we be so treated, and that it shall be redressed,"² etc.

There is no reason to think that Cockburn exceeded the powers with which he was vested, or that he employed undue rigour in using them. The secrecy alleged against him was at the time considered necessary by him, even where the observing of it gave offence. We shall find Argyll proceeding still further in his opposition to Cockburn very shortly.

Adam Cockburn was one of the directors of the Darien Company which brought such disaster to Scotland. There is a letter of his to Lord Tulli-

¹ 23rd July 1695. Carstares State Papers, pp. 256, 257.

² Edinburgh, March 19, [1696]. *Ibid.* pp. 272, 273.

bardine upon the opposition to the company on the part of the English, which has been preserved. He writes:—

“Scots humours seem no less warme in prosecuting this bussines then the Inglish are in opposing it, and, if the Inglish do persist, I know not a more effectual way for that company being brought to some good account. ‘Twas the notice the parliament of Ingland first took of it made the wholl nation throng in to have some share, and I am of opinion the resentments people are acted by are the greatest supplys [that] furnishes life to that affaire.”¹

In 1699 several changes of office were made which affected Adam Cockburn. There appears to have been an intention of making him a lord of session; but the opposition of the Earl of Argyll and the lord chancellor, and one or two more, apparently prevented him receiving that appointment. Argyll, writing to Carstares in the beginning of the year, gives strenuous opposition to such an appointment. His letter proceeds thus:—

“The chief occasion of this is to enter my protestation against l[ord] justice-clerks being, by any mould can be projected, made an ordinary lord of the session, or extraordinary. We have foul weather enough by L[ord] Whitelaw already; but if the other come in, we shall have a constant storm. I am not used to be positive in my opinion, but I have warrand to say the chancellour, L[ord] Queensberry, and the precedent of the session, with myself, for I will not be out of the number, shall all be uneasy if the justice-clerk be put in that post, and believe the consequence will be worse than can be imagined. I thought you had known him; and as you value the rest of us, guard against that measure.”²

Although the opposition to his appointment as a lord of session was successful at this time, Cockburn’s appointment to that position was only delayed. In the beginning of January 1705 he was made an ordinary lord of session, and on the 31st of that month he took his seat on the bench as Lord Ormiston. In the meantime, Cockburn was appointed treasurer-depute. His commission is dated 6th February 1699. Sir John Maxwell of Pollok

¹ Second Report on the Muniments of the Duke of Atholl, K.T., at Blair Castle, p. 58, No. 144.

² 31st January 1699. Carstares State Papers, p. 457.

succeeded him as lord justice-clerk.¹ In 1702 and 1706 Cockburn was one of the commissioners appointed to treat for the union with England. In 1703 he petitioned for an inquiry into the management of the funds imposed by act of parliament.² On 24th March 1708 he subscribed the warrant by the privy council to receive the Duke of Gordon and others as prisoners in Edinburgh Castle.³ He was again appointed lord justice-clerk. His commission is dated 8th January 1705.⁴ He continued to hold the office for five years. This is implied in an entry in Wodrow's *Analecta*, under date August 1710:—"In the beginning of this moneth Ormestoun losses his justice-clerkship, and my Lord Grange, Marrs brother, gets it. This is a fruit of Marrs voting for Dr. Sachevarell."⁵ Cockburn continued to hold the office of lord ordinary, which he retained till his death.

The authority just referred to, in 1713, states that Ormiston was one of six to whom Sir James Steuart, lord advocate, left the oversight of his affairs after his death.⁶ Wodrow, in 1726, speaks well of Cockburn, and refers to him as advanced in years. He says:—

"Many of the lords of session are at this time failing, and in a little time ther will be a vast change in that bench on which so much depends as to civil property. Arnistoun, Pollock, Ormestoun, Forgland, the president, and some others, are really tender and old. I wish their places be as well filled. King William brought in a good many substantiall, honest country gentlemen, well affected to the government and church, and many of them really religious, though there might be some greater lawyers than some of them have been or are. But being men of integrity and weight, they have acted a fair and honest part these thirty years, and keep the bench in great repute."⁷

Adam Cockburn of Ormiston died 16th April 1735, in the seventy-ninth year of his age.

¹ Acts of the Parliaments of Scotland, vol. x. p. 188.

² *Ibid.* vol. xi. 43, 145, 162.

³ The Melvilles, Earls of Melville, and the Leslies, Earls of Leven, vol. iii. pp. 237-238.

⁴ Acts of the Parliaments of Scotland, vol. xi. p. 212.

⁵ Wodrow's *Analecta*, vol. i. p. 291.

⁶ *Ibid.* vol. ii. p. 207.

⁷ *Ibid.* vol. iii. p. 364.

SIR THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT,
COMMANDER-IN-CHIEF IN SCOTLAND.

The Livingstones of Jerviswood, the family to which Sir Thomas Livingstone belonged, had as their ancestors the Livingstones of Kilsyth, from whom they branched off in the sixteenth century. Sir Thomas Livingstone was the eldest son and heir of Sir Thomas Livingstone, baronet, of Newbigging.¹ He was born in or about the year 1651 in Holland, where from an early age he was brought up to the military profession,² and where he served and fought under William, Prince of Orange, afterwards King William the Third. He held a commission in a Scottish regiment in the Dutch service in Holland commanded by James, Earl of Arran, afterwards fourth Duke of Hamilton. In 1682 he was sent by the earl on a recruiting expedition to Scotland. Six years later, in 1688, by which time he was the colonel of a regiment of foot, he accompanied the Prince of Orange to Britain, and landed with him at Torbay on 5th November of that year. He was immediately after, on 31st December 1688, placed by King William in command of the second regiment of dragoons, or Royal Scots Greys, in succession to the Earl of Dunmore, whose sympathies were with King James the Seventh.

Major-General Mackay being placed in command of the forces in Scotland on 28th March 1689, at once directed his troops against the Viscount of Dundee, who was acting under King James. Sir Thomas Livingstone joined Mackay at Culnakyle, in the plains of Strathspey, with two troops of dragoons.³ When Mackay subsequently proceeded to the south, Livingstone

¹ His granduncle, William Livingston of Jerviswood, sold the estate of Jerviswood to George Baillie, merchant in Edinburgh, the progenitor of the Baillies of Jerviswood.

² Sir Thomas Livingstone's father belonged to the same profession, and was colonel of a regiment of foot in Holland.

³ The Chiefs of Grant, vol. i. p. 313.

was left at Culnakyle in command of all the forces there to guard the north.¹ The battle of Killiecrankie, fought on 27th July 1689, and the death of Dundee, procured a lull in the campaign.

A few weeks after the rebels had again taken the field, on 1st May 1690, Sir Thomas Livingstone completely routed them under General Buchan at the battle of Cromdale. This victory is the greatest of all the military achievements of Livingstone. The report of the battle which he furnished to General Mackay the day after it was fought is a detailed and somewhat interesting one. The Highland army under Buchan, he says, "increased as a snow-ball daily," and was a source of terror in the surrounding district. The troops with which Livingstone set out from Inverness consisted of a "detachement of 400 men of Sir James Leslies, six companies of Grants, the Highland company of Captain Mackays, three troupes of my dragons and Yesters troupe of horse." By two days later he had with him in addition to these "2 other troupes of dragons from Elgin and Captain Bur troupes of horse." His whole force mustered about twelve hundred men.

He received intelligence on 30th April that the army of Buchan was encamped on the Haughs of Cromdale. Making a hurried march to Ballachastell, he arrived there at two o'clock on the morning of the 1st of May. The enemy being quite unaware of his proximity to them, he resolved to attack them at once and take them by surprise. His men were tired with their long march over difficult ground. Calling his officers together, he held a council of war, when his resolution to make an immediate attack was adopted with enthusiasm. Accordingly, after only half an hour's rest, Livingstone advanced with his army. The enemy being completely unprepared for them, were in the greatest confusion and fled to the hills, where they were pursued, and between three and four hundred of their number slain, and one hundred, chiefly officers, taken prisoners. A mist which descended during the pursuit prevented greater slaughter. His men

¹ *The Chiefs of Grant*, vol. i. p. 315.

being thoroughly exhausted, Livingstone ordered a retreat. The escape of Buchan and Canon, the leaders of the Highland army, will be best told in the words of Sir Thomas Livingstone :—

“Buchan, when he took the alarm first, had commanded a nephew of his with some mo officers and soldiers in an old castle, who at first seemed to be oppiniatre. I caused surround them, and, finding the ground proper, undermind them, which they finding surrendered themselves to the king’s mercy. Buchan got of without hat, coat, or suord, and uas seen that day, and in that posture, and in Glenlivet, very much fatigued, tarryed in a cousin’s house of his. Canon got away in his nightgown. Dumfermelyne had gone from them about some business the day befor.”¹

The baggage and ammunition of the Highland army, besides much plunder and the royal standard, were all captured. In this important victory Livingstone did not lose a single man, and only three or four of his men were wounded.² Burnet, referring to this defeat of the Highland army, says, “This broke all the measures that had been taken for King James’s interests in Scotland.”³ Indeed, Cromdale is the last battlefield where the standard of the last of the Stuart kings was raised in Scotland at this period. The battle is commemorated in the well-known song, “The Haughs of Cromdale.”

At the close of the following year Sir Thomas Livingstone was appointed commander-in-chief of the forces in Scotland in succession to General Mackay. An indisposition which he had at this time was the occasion of a fear upon the part of some of his friends that this appointment would be taken from him and given to another. This is shown by a letter, dated 4th December 1690, from the Earl of Crawford to the Earl of Melville, secretary of state for Scotland. His lordship wrote :—

“Your choise of Sir Thomas Livinston to command our forces is most acceptable to the best of the nation, and tho’ he be still under indisposition, I intreat

¹ The Melvilles, Earls of Melville, and the Leslies, Earls of Leven, vol. ii. pp. 151-153.

² *Ibid.*

³ Burnet’s History of his own Times, vol. iv. p. 110.

your lordship be not brangled either by his modestie, or the suggestions of others, to name another, since in the winter nothing is required of him that he cannot act in his chamber.”¹

Sir Thomas Livingstone, besides being continued in his appointment as commander-in-chief, was, in February following, made a privy councillor, and promoted at the same time to the rank of a brigadier-general of the army.² About this time, there being reports of an intended French invasion, it devolved upon Sir Thomas Livingstone to have such military preparations made as were necessary to meet any emergency. These reports were doubtless due to the discovery by the Government of the plots of the Jacobites by the apprehension of Lord Preston, and the seizure of his papers some months previous. Livingstone exerted himself to have the defects in the army remedied. The commissariot, the ammunition and baggage horses were very unsatisfactory and deficient, and Livingstone, in repeated letters which he wrote to the secretary of state, represented this, and urged remedial measures.³

About the beginning of June 1691 the privy council had under their consideration the calling out of the militia. Through the influence of Viscount Stair the council was brought to favour the scheme. But the Earl of Crawford could not be induced to vote for it, and he gave in reasons of dissent against it. It has already been seen that his lordship entertained considerable friendship for Sir Thomas Livingstone. In this connection, and as showing his continued friendship for him, the fourth reason adduced by the earl against the calling out of the militia at this time may be quoted:—

“That as the western shires would inclyn to be under the conduct of such as were favourable to them, so they would look upon the northern shires as a designed dead weight on them, and would not willingly join issues with them,

¹ The Leven and Melville Papers, p. 580. David, third Earl of Leven’s disappointment at being passed over in this appointment and his misunderstanding with Livingstone in regard to the appointment of a master gunner are referred to in the Melvilles, Earls of

Melville, and the Leslies, Earls of Leven, vol. i. p. 271.

² Sir John Dalrymple to the Earl of Melville, 20th February 1691. *Ibid.* p. 595.

³ The Leven and Melville Papers, pp. 603-621.

tho' under commanders of their own choise in whom they confided. They would pleasantly ventur their lives, and all that's dear to them, for King William's interest, and take directions from Sir Thomas Livingston with an intire trust in him.”¹

It was in 1692, the year following, that the tragic events of the massacre of Glencoe took place. From his position as commander-in-chief it fell to him to receive and to transmit the orders of the Government to his subordinate officers. The history of the massacre has already been fully entered into in the first volume of this work, and need not be repeated here. The difficulty of Livingstone’s situation as an intermediary was great. Bishop Burnet, referring to this, says:—

“As these orders were sent down, the secretary of state writ many private letters to Levingstoun, who commanded in Scotland, giving him a strict charge and particular directions for the execution of them: and he ordered the passes in the valley to be kept, describing them so minutely that the orders were certainly drawn by one who knew the country well. He gave also a positive direction that no prisoners should be taken, that so the execution might be as terrible as possible. He pressed this upon Levingstoun with strains of vehemence that looked as if there was something more than ordinary in it; he indeed grounded it on his zeal for the king’s service, adding that such rebels and murderers should be made examples of.”²

The Government exonerated Sir Thomas Livingstone of all blame in connection with the massacre of Glencoe. They held that he had carried out his orders in ignorance of the real circumstances of the case, which he was not in a position to know.

In March 1694 Sir Thomas Livingstone and William, Earl of Annandale, are found acting together in the privy council on the question of setting at liberty on bond some Jacobite prisoners. The earl, in a letter to Secretary

¹ The Melvilles, Earls of Melville, and the Leslies, Earls of Leven, vol. ii. pp. 160-162,

² Burnet’s History of his Own Time, vol. iv. p. 160.

Johnstone, says:—"When they came to this Sir Thomas Livingstone and I went to the door, so that wee were nott actors in it."¹

On 1st January 1696 Sir Thomas Livingstone received the rank of major-general. At the close of the year he had a more substantial honour conferred upon him when he was raised to the peerage as Viscount of Teviot and Lord Livingstone of Peebles. His patent of peerage is dated 4th December 1696. Lord William Douglas, second son of the first Duke of Queensberry, was created, 20th April 1697, Earl of March and Viscount of Peebles. Lord Teviot took exception to the earl's second title of "Peebles," and upon a complaint which he made to the privy council, got the March patent *stopped* until the king's pleasure was known. Writing to the Earl of Annandale upon the subject, he explains his position in regard to the title in question. He says he was "indifferent to the tytel, but would yield nothing opon his Grace his account."² However, in a letter to the privy council dated 24th May 1697, King William, who was abroad at the time, intimated to the council "that what we have done in this matter was on proper knowledge, we having formerly, by our secretaries, acquainted the Viscount of Teviot that he was to change this title. And having declared this unwillingness to do the same, at his desire, we did grant a *second* patent in his favour. It is, therefore, our will and pleasure that this stop be taken off, and that our patent in favour of Lord William Douglas be past and expedie in the usual manner without any alteration." Teviot's second patent referred to by the king is dated 30th March 1697. In this patent a blank was left for his secondary title. He chose Hyndford instead of Peebles, and craved from the privy council the ranking of precedence given him in his first patent. This was granted to him. But on the same date when this concession was granted Teviot's first patent was read in parliament, and he took

¹ Vol. i. of this work, pp. cclxxv, cclxxvi: and p. 73 of this volume.

² P. 130 of this volume.

his seat as Viscount of Teviot and Lord Livingstone of Peebles, and he seems to have used these titles afterwards.¹

The “*quiescent*” title used by Teviot may have been a cause of contention between the Queensberry family and him. The Duke of Queensberry and his lordship certainly were not at one after this. On 24th July 1698 the duke, writing to Carstares, complains with no little feeling of Teviot’s demeanour towards him. He says:—

“The great Lord Teviot carries as high as ever, and shews still more and more neglect of the nobility, and particularly he despises my Lord Argyle and me. He now disputes a point with my Lord Argyle which he never did formerly: neither with me when I commanded the guards, nor with my Lord Argyle till now, and that is the giving of the word to the guards of horse, which he never hitherto pretended to, nor was it ever pretended to by any commander-in-chief in this kingdom; for wherever the king or his commissioner is, the guards had always the word immediately from them. But he thinks he may do what he will, and braggs of the king’s favours beyond all other men, but I hope the king will in time rid us of him. I am very sure it would be a great ease and satisfaction to his Majesty’s faithful servants here to be delivered from such an unnecessary burthen, and would encourage us to proceed more vigorously than is possible for us to do while he is amongst us.”²

The opposition made to Teviot by the Duke of Queensberry continued. On 31st January 1699 the Earl of Argyll, writing to Carstares, says:—

“I find nothing will make the D[uke of] Queensberry satisfyed if Viscount Teviot come to command. I must tell you his creatures has spread a report in this town which I am sure is false, but its fit I tell you, that he has made up friendship with E[arl of] P[ortland] by paying £5000 sterling to him. It is not whispered, believe me; and I think ought to be taken notice of.”³

In a subsequent letter to Carstares, dated March 16th, 1699, the Earl of

¹ Riddell’s Peerage Law, pp. 1057-1065.

² Carstares State Papers, p. 402.

³ Carstares State Papers, pp. 457, 458.

Argyll continues to complain of Teviot, who, he says, “treats me like a little ensign, which,” he adds, “I will not bear, whatever be the event.”¹

It will be interesting to notice how Teviot writes of Argyll at this time. In a letter to Annandale, dated 5th January 1699, he says:—“Wee heir the nobel Earle of Argyle who, as the weryt from Scotlant, says himself is to be Ducke of the Isles, heath falen opon a way to have himself paid of that six moneth precept. If after that it be stopt to others we must beleeve, as he says it himself, that the management of Scots affaires doeth soli depend of his lordship.”²

On 1st January 1705 Teviot was promoted to be lieutenant-general in the army. He died at London, 14th January 1711, at the age of sixty years, and was buried in Westminster Abbey. He was married to a Dutch lady, Machtellina Walrave de Nimmeguen, but he had no surviving children. His baronetcy descended to his only brother, Alexander, and his peerage became extinct. He purchased the estate of Lethington, now called Lennoxlove, in East Lothian, and obtained a great seal charter of it in 1702. He refers to this purchase during the negotiations for it in a number of his letters to the Earl of Annandale printed in this volume, and who appears to have negotiated the purchase for him.³ The Articles of Agreement for the purchase of Lethington between the Earl of Lauderdale and the Viscount of Teviot are subscribed by the Earl of Annandale with the note holograph of his lordship:—“Att the desire off the Earle of Lauderdale and Viscount of Teviott, signed by—ANNANDALE. The 4th off May 98.” They bear that the Earl of Lauderdale was to dispone the estate of Lethington and the lands in East

¹ Carstares State Papers, p. 468. In an earlier letter, dated 21st March 1696, Argyll denounces Teviot as a fresh-water general. He says: “Above all to be dragoun’d by an imperious, ignorant, freshwater, Crum dell [Cromdale] generall, sure I am, can never tend to his Majesty’s service” [*Ibid.* p. 275].

Again, in another letter, written also about this date, he speaks of him in similar terms as “but a fresh-water soger” [*Ibid.* p. 277].

² P. 176 of this volume.

³ *Ibid.* pp. 131, 151, 152, 155, 156, 172, 174, 322.

Lothian, formerly belonging to the Duke of Lauderdale, and then possessed by the Duchess of Lauderdale. The price of the lands was to be twenty-three years' purchase, with the victual rent valued at £100 per chalder. Teviot was to pay £16,000 at London at the term following, the earl allowing him eight per cent. of interest thereon. The remainder of the price was to be paid in Scotland at the term of and the whole price was to bear annual rent from the term of Whitsunday 1698.¹

The spelling of the Viscount of Dundee has been compared by Sir Walter Scott and Lord Macaulay to that of a chambermaid or washerwoman. But the orthography of Teviot and other military officers of that period who rose to the highest rank in the army, including the Viscount of Dundee, shows that military distinction was obtained without education. But no doubt the Dutch upbringing of Teviot largely accounts for his deficiency in spelling. A monument was erected in Westminster Abbey to the memory of Teviot by his brother, who, in a long Latin inscription, recounts the principal facts of his history.²

These notices of the principal official correspondents in this volume afford a fair specimen of the men who were engaged with King William in establishing the Revolution settlement of the year 1688. The other correspondents not specially noticed may be readily ascertained from their printed letters and the full abstracts of them which are given separately.

The Revolution settlement was a great and arduous undertaking, and required the energies of superior minds, but King William was equal to the great emergency, and he was nobly assisted by his consort, Queen Mary, whose cordial co-operation was invaluable. The king's grief for her illness and death are touchingly portrayed in the correspondence of Secretary Johnstone printed in this volume.

¹ Original in the Annandale Charter chest. in Dart's *Antiquities of Westminster Abbey*,
² There is an engraving of this monument 1723, vol. ii. plate 131.

Upwards of half a century has now elapsed since my connection with the Annandale peerages and muniments first commenced. On 14th May 1844 I was called as a witness to produce documentary evidence at the bar of the old House of Lords on behalf of the late Mr. Hope Johnstone. The building which then served as the place of meeting for the peers required to be utilised for them after the burning of the Houses of Parliament some years previously. The late Lord Redesdale, who was so long chairman of committees of the House of Lords, explained to me, some years previous to his death, that the present was the third house in which the lords had assembled within his own recollection.

The charter muniments of the Annandale family have undergone nearly as many vicissitudes as their peerages, as already partly explained in the Memoir of Sir James Johnstone, in whose time Lochwood Tower was burned by the Maxwells.

In the time of William, first Marquis of Annandale, and probably after the burning of Newbie Tower, one of his residences, the Annandale muniments, which had increased in number by the acquisition of large territories, were transferred to a room in Craigiehall, the mansion of his first marchioness, where they remained for some time.

Owing to the litigation which ensued between George, third and last Marquis of Annandale, and his nephew John, Lord Hope, relative to the Annandale estates, many references had to be made to the original documents at Craigiehall. Ronald Crawford of Restalrig, writer to the signet, became law agent to Marquis George. He was succeeded in the agency by Craufurd Tait of Harvieston, writer to the signet.

The Annandale law agency was afterwards transferred from the firm of Tait and Crichton to Mr. James Hope, writer to the signet. It was during that transfer that a large number of original Annandale writs were accidentally omitted to be delivered to him. These included the original resignation of the peerages and estates of Johnstone and

Hartfell by the second Earl of Hartfell in 1657, as explained in the "Century of Romance."¹

About the year 1734, during the time of Marquis George, a new inventory was made of the Annandale muniments. Sir James Johnstone of Westerhall, who was then factor or commissioner for the marquis, ordered the preparation of the inventory. The correspondence on that subject shows that the inventory was made with great caution and secrecy. It was delivered to Sir James Johnstone, who made copies of portions of it for his own use.

When James, third Earl of Hopetoun, was in possession of the Annandale estates he had upwards of twenty large tin charter-chests specially made for the preservation of the Annandale muniments as distinct from those of the Hopetoun estates. After Raehills House was built these boxes were placed in the charter-room there, where they have ever since remained. Both in reference to the claims to the peerages and also to the preparation of the present Family History, I have had for many years to read every Annandale paper not once or twice, but I may say many times. The late Mr. Hope Johnstone, and his grandson, the present Mr. Hope Johnstone, intrusted to me their family muniments, with the most generous confidence, and cordially assisted me in all my labours about the family peerage and the present work. In searching through the multitudes of family papers, and also old public and private records connected with Annandale, and meeting with many persons connected with the county of Dumfries, I am satisfied of the accuracy of the statements that the male line of the Johnstones of Johnstone and Annandale is extinct. The possibility of proving the extinction of their male line occasioned much difference of opinion between Lords Eldon, Redesdale, Lyndhurst, and Brougham. But ultimately the judgment of 1844 was that heirs-male general or whatsoever of the Johnstones of Johnstone must all be extinguished before Mr. Hope

¹ Pp. 383, 384 of this volume.

Johnstone could succeed under the second clause of the patent of 1661 to heirs-female. I think it right, therefore, to state here as the result of my long-continued labours and close investigations on that particular point, that I have been unable to discover the existence of any heir-male of the name of Johnstone connected by birth with the Johnstones of Johnstone and Annandale.

As the late Mr. Hope Johnstone of Annandale passed away in the year 1876, he did not survive to learn the fate of the chief competing claimants, Sir Frederic Johnstone of Westerhall and Mr. Edward Johnstone of Fulford-hall. The final judgment of the House of Lords in 1881 decided that both these claimants had failed to make out their respective claims. Nevertheless it cannot be overlooked how nobly and gallantly Mr. Hope Johnstone maintained the struggle to the last to preserve the interests of himself and his family in the peerages, which he firmly believed to be as much his own as the territorial earldom which he enjoyed. With the personal high character of Mr. Hope Johnstone it could not be otherwise. He was descended from Sir Thomas Hope, the greatest lawyer in the time of King Charles the First, and had intimate close relationship with the distinguished lawyers, also descended from the same legal ancestor, the Right Honourable Charles Hope, Lord President of the Court of Session, and the Right Honourable John Hope, Lord Justice-Clerk and president of the Second Division of that court, the uncle and first cousin respectively of Mr. Hope Johnstone. They took the warmest interest in his right to the peerages of Annan 'ale, and wrote many papers demonstrating that right.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
18th February 1895.

ABSTRACT OF THE CORRESPONDENCE
OF THE
JOHNSTONES OF JOHNSTONE,
EARLS AND MARQUISES OF ANNANDALE.

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CORRESPONDENCE
OF THE
JOHNSTONES OF JOHNSTONE,
EARLS AND MARQUISES OF ANNANDALE.

I. ROYAL LETTERS, ETC.

1. CHARGE by KING JAMES the FIFTH to the STEWARD OF ANNANDALE, to repone John Johnstone in Thorniflat. 12th July [1536].

JAMES, be the grace of God, king of Scottis, to oure stewart of Annanderdale and his deputis, greting: Forsamekill as it is humelie menit and schewin to ws be our louit Johnne Johnnstoun, that quhar he hes in maling of the communite of Lochmabane thair foure merk land of Thorniflat, with the pertinentis liand within our stewartrie of Annanderdale, and wes in possessioun thairof closit within termis nocht lauchfullie warnit before the last Witsunday to flit; neuirtheles Robert Johnstoun, Thomas Bektoun, and thair complices hes laitle wranguuslie and vnordourlie put the said Johnne out of his said m[aling], and spulzeit him of his possessioun thairof betuix termis, as is allegit: Oure will is heifore, [and] we charge you straitlie and commandis that iucontinent thir our letteris sene, ye cal baith the saidis pa[rtiis] before you and tak cognitioun in the said mater, and gif it beis fundin that the said Johnne [Johnstoun] wes in possessioun of the saidis landis as malar closit within termis, and nocht lauchfullie w[arnit before] the last Witsunday to flit, and is now wranguuslie and vnordourlie betuix termis eicetit [thairfra and] spulzeit of his possessioun thairof, that ye restore him agane thairto and kepe and defend him [thairin] quhil the nixt terme of Witsunday or quhill he be lauchfullie callit and ordourlie put thairfra accord[ing] to iustice. And that ye admit baith the saidis partiis iust and lauchfull defences, and do thaim [iustice] in the said mater as ye wil answer to ws thairupoun, nochtwithstanding the feriat and close tyme

of har[uest] now approcheand ; anent the quhilk we dispens with you be thir oure letteris, deliuering thame be yow deulie execut and indorsat agane to the berar. Geyvin vndir our signet at Edinburgh, the xij day of Julij, and of our regune the xxij yeir.

Ex deliberatione dominorum consilij, etc.

[Seal impressed.]

J. CHEPMAN.

2. KING JAMES THE FIFTH to JOHN MAITLAND of Auchingassell, to permit John Johnstone of that Ilk to remain in the lands of Branrig and Mitchelslacks.
28th June [1542].

REX.

We[ILLP]ELOUITE freind we grete you wele : Forsamekill as oure louit Johnne Johnstoun of that ilk hes in maling of you your [laudi]s of Branrig and Michelslakkis, liand within oure scherifffdome of Drumfres, and hes broukit the samyn of lang tyme bigane, and pait his malis and dewiteis thairof thankfullie to you ; and now (as we ar informit) ye haue gart warne him to flit thairfra at this last Witsonday, and tendis to put him fra the samyn without ony falt done be him to you, he now being in oure ward within oure castell of Dunbertane, and for that caus we mon defend him in his richtis and possessionis salang as he remanis in oure said ward ; and to that effect we wrait to you richt effectuslic to suffer the said Johnne brouk his said maling peceabillic sa lang as he pais his malis and dewiteis thairof thankfullie to yow and makis na falt, and specialie during the tyme of his remaning in oure ward, quhilk (as we ar informit) ye haue dissoobeyit, quhairof we mervell gretlie, considering it wes nevir nor yit is the vse and custume of our realme to put ony auld tenent furth of his maling sa lang as he pais his malis and dewiteis thankfullie and makis na falt. Oure will is heirefore, that ye suffer the said Johnne peceabillic brouk and joise his said maling in tyme cuming siclike as he broukit the samyn in tymes bigane salang as he pais his malis and dewiteis thankfullie and makis na falt, conforme to the said auld loyabill vse and consuetude of our realme obseruit and kepit in sic caassis in tymes bigane, and specialie sa lang as he remanis in oure said ward, and the erare for our saik and request, as ye will haue speciall thankis of ws thairfore, and do wis singular emplesour, and will we do for you or ony of your freindis in ane fer gretar mater, and will haue your crandis sped at our handis quhen ye require ws thairwith : And certify ws of your anuer heirin with this berare in writ that we may remembir thairon. Subseruit with oure hand and vnder our signet at Edinburgh, the xxvij day of Junij, and of our regune the xxix yeir.

JAMES R.

To our weilbelouit freynd the lard of Auchingassill.

3. KING JAMES THE FIFTH to JOHN JOHNSTONE of that Ilk, to assist Robert, Master
of Maxwell, in the warderuy and defence of the West Borders. 28th
November [1542].

James Bay

4. KING JAMES THE FIFTH to the kin and dependants of JOHN JOHNSTONE of that Ilk, to obey and serve him as Warden of the West Marches. 29th November [1542].¹

JAMES, be [the] grace of God, king of Scottis, to our louittis, oure schireff[is in that
pairet conlunctie and seuerale, specialie constitute, greeting: Forsamekle as throw the

¹ Original in H.M. General Register House, Edinburgh. The king died at his palace of Falkland within three weeks after the date of this letter.

absence of cure cousing R[obert, Lord Maxw]ell, wardane of our west marches, and Robert, Maister of Maxwell, his sonnys infirmite, and [scand the foirs]aidis west marches and bordouris of our realme ar destitute of anc wardane and gydare, quhairfoir [we] haue ordanit our louit Johne Johnestoune of that ilk, to attend and se that the cuntry be wele rewlet and [g]ydit . . . and resistence and invasioun maid to the inymyis of Ingland as beis thocht expedient for the tyme: Oure will is heifore, and we charge yow straitlie and commandis that incontinent thir our letteris sein, ye pas and in our name and auctorite command and charge be opin proclamatioun and vthirwayis, as salbe thocht necessar, all the said Johnnis kin, frendis, men, tenentis, servandis and vtheris, that wer wount to depend and await vpoun him of before, that thai and ilkane of thame await and depend vpoun him in our seruice in tyme cuming quheneuer he requiris thame thairto within our realme or outwith in furthbering of our auctorite and wele of the cuntry, vndir the pane of deid. The quhilk to do we commit to you, coniunctie and seueralie our full power be thir oure letteris, deliuering thame be you deulie execute and indorsate agane to the berare: Givin vndir oure signete and subscriuit with our hand at Edinburgh, the penult day of November, and of oure regne the xxx^{ti} yere.

JAMES [K].

5. JAMES, EARL OF ARRAN, Governor of Scotland, to JOHN JOHNSTONE of that Ilk, to defend Mr. James Livingstone, parson of Culter, as presentee to the parsonage of Moffat. 2d January 1543-4.

GUBERNATOR.

TRAIST freind, we grete you hartlie wele: Forsamekle as we beleiff it is nocht vnknawin to you how oure louit Maister James Levingstoun, parsoun of Culter, is lauchfullie prouidit to the parsonage of Moffett, and for quhat cause we knew nocht, and but ony rycht or title, he is molestit and trublit be ane callit Maister Johnne Stewart in the peceable brouking and josing thairof, tending to do that is in him to putt him thairfra be way of deid; howbeit, as we vnderstand, ye will nocht suffer be done bot that the party havand rycht be answerit: Quharefor we exhort and prayes yow rycht effectuously that ye will fortify, supple and defend the said Master James in the peceable vptaking, brouking and josing of his said parsonage of Moffett, and rentis and emolumenxis thairof, and to cause him to be answerit and obeyt of the samyn conforme to his said prouisioun in all tymes to cum, vnto the tyme he be lauchfully callit and ordourelie putt thairfra. This ye will nocht falze to do, and the rather for this our

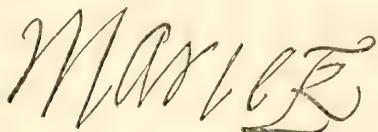
resonable request, as ye will do ws singular emplesour in that behalf. Subscriuit with our hand and vnder our signet at Strueling, the secund of Januar, the yeir of God I^mvc and xlij yeris.

To our traist freind, the Lard of Johnstoun.

6. RELAXATION by MARY, QUEEN OF SCOTS, in favour of John Johnstone of that Ilk, and David Johnstone, his son. 17th July 1565.

MARIE, be the grace of God, quene of Scottis, to oure louittis, Gawin Wayn, messingeris, oure schirreffis in that part coniunctlie and seueralie, specialie constitut, greeting: Forsame[kill], as we vndirstanding that oure louitt Johnne Johnestoun of that ilk, quha is, and hes bene, oure tennent of oure landis of Recleuche sen the deceis of oure vmquhile darrest fader, and payit his maillis to oure comptrollaris for the tyme off all yeiris bipast, wes be vertew of oure letteris in the four formes, past vpoun ane pretendit decret allegit obtenuit be Johnne Dowglass aganis him, put to oure horne; and thaireftir the said Johnne Johnestoun and Dauid Johnestoun, his sone naturall, commandit be ws to remane in ward, lyke as thai presentlie ar in ward, and may nocht depart furth of the samyn without thay be relevit be ws. Howbeit we haifing presentlie ado vpoun oure west bordouris, and hes chargit the said Johnne Johnestoun with seruice in thai partis, quhilk he can nor may nocht gudelie performe nor comwnicat with oure liegis without he be relaxit fra oure said process of horne, and he and his said sone re[levit] furth of oure said ward to that effect: Oure will is heirfair, and we charge yow straitlie and commandis that incontinent thir oure letteris sene, of oure speciaill grace and favouris, and certane considderationis moving ws; and als of the said Johnnis gude seruice to be done to ws in tyme cuming, that ye pas to the markat croces of oure burrowis of Edinburght, Drumfreis, and thair in oure name and auctorite, be oppin proclammatioun relax him fra oure said proces of hor[n]e, led vpoun him in the said mater, ressaif him to oure peax, and gif him the wand thairof,

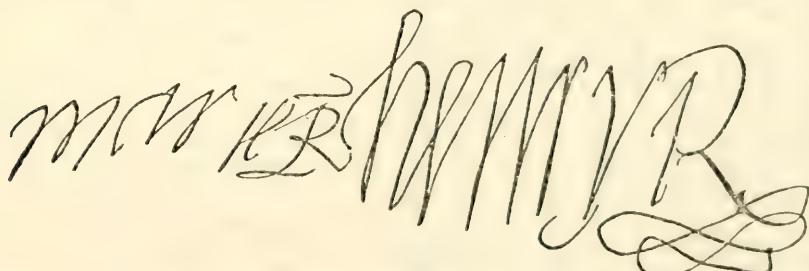
and als releif him and the said Dauid, his said sone, furth of oure said ward, anent the quhilke we dispense with thame for the space of xix yeiris nixtocum estir the dait heirof, be thir oure lettres, deliuering thame be yow dewlie execut and indorsat agane to the berar. Subseryuit with oure hand and gevin vndir oure signett at Edinburght, the xvij day of Julij, and of oure regnne the twenty thre yeir, 1565.¹



7. GIFT by HENRY and MARY, King and Queen of Scots, to JOHN JOHNSTONE of that Ilk, of the thirds of the abbey of Soulseat and parsonage of Lochmaben. 16th August 1565.

REX ET REGINA.

WE, for the gude, trew and thankfull seruice done and to be done to ws be oure louit seruitour, Johnne Johnnestoun of that ilk, be this present grantis and gevis to him oure thrid of the abbay of Saulsett and parsonage of Lochmaben, to be intromettit with and vptakin be the said Johnne, his factouris or procuratouris in his name, to his awin vse of the croppis of the yeris of God I^m v^e Ixiiij, Ixv, Ixvi, Ixvii, Ixviii yeris, and forthir induring our will: dischargeing our comptroller that last wes, now present and to cum, of all intrometting and vptaking be thame selffis or thair chalmerlanis, or ony vtheris in our or thair names, of oure said thrid of the benefices forsaidis during the said space, be this present. Subscriuitt with oure handis at Edinburgh, the xvij day of August, the yeir of God, I^m v^e Ixv yeris.



¹ On the back of the original there is the messenger's certification that the relaxation was duly and formally done at Edinburgh, 17th July 1565.

Rev. at Legina

He for me ride east and Springfield River Line to take him to the
Reverend Comt. Bonham Johnson Thompson of West M. Co. who sent grants and
granted to him entire right of way along of part of Springfield and Robins
C. R. to Rob. Zimmerman & Sons and Captain J. C. and Mrs. John G. Rob. Zimmerman of N.Y.
Promised him to name it "Rob. Zimmerman" & Co. which he did. I have
been in business ever since and now in business of mine. Arrangement of
business for Rob. Zimmerman's and myself and family of all in something & working
now probably yet left was not point and family of all in something & working
beginning before a year ago. I have been here or over and up to our name of ours
as far as we can get. I have been here about two years and have had a good time. I have
done much, etc. I have been here about two years and have had a good time. I have
done much, etc.

M. H. D. M. R.

8. KING JAMES THE SIXTH and the REGENT MURRAY, promising a pension to James Johnstone, son of John Johnstone of that Ilk. 10th October 1567.¹

REX.

WE, and our dearest cousin, James, Erle of Murray, Lord Abirnethie, regent to ws, our realme and lieges, vnderstanding the gude will quhilc our weilbelouit Johnne Johnnestoun, of that ilk, hes and beris to do ws seruice, in respect of his gude seruice to be maid, promittis in verbo, principis to prouide James Johnnestoun, sone to the said Johnne, of ane yeirlie pensioun of the soume of twa hundredth pundis of the reddiest fruitis of the first benefice, plaice, or vther quhilc salhappin to vaik that may beare the samyn, and sall mak him all dew securitie thairupoun in dew and competent forme as efferis. Gevin vnder our signet and subscriuitt be our said dearest cousin and regent at Edinburgh, the tent day of October, and of our regne the first yeir, 1567.

JAMES, REGENT.

9. REMISSION by KING JAMES THE SIXTH to JOHN JOHNSTONE of that Ilk for intercommuning with Archibald, Earl of Angus. 10th June 1581.

REX.

WE, and the lordis of oure secreit counsale, vnderstanding that oure louit Johnne Johnnestoun of that ilk, sen oure lait proclamatioun maid in the contrare, hes intercommonit and bene in cumpany with Archibald, Erle of Anguse, and thairthrow hes contrauenit the said proclamatioun, be ressoun the knawlege of the publicatioun thairof come noct to the said Johnnes eiris; in respect quhairof, and of diuers and sindrie vtheris ressonable caassis and considerationis moving ws, we, with auise of the saidis lordis, hes remittit, and be the tenour heirof remittis the said Johnne Johnnestoun of that ilk for intercommuning and being in cumpany with the said Archibald, Erle of Anguse, at ony tymes preceding the dait heirof, and all fault, cryme, actioun and pane that may follow thairvpoun be ressoun of the said proclamatioun, or ony vtheris maid to that effect, and takkis the said Johnne vnder our speciall protectioun and defence, to be vnurte, vnharmit, or incur ony danger or pane thairfoir in ony tyme cuming. Subscriuitt with

¹ Original in H.M. General Register House, Edinburgh.

our hand and gevin vnder our signett at Dalkeyth, the tent day of Junij, and of our regnne the fourtene yer, 1581.

ERGYLL.

LENOX.

10. KING JAMES THE SIXTH, remitting to JOHN JOHNSTONE of that Ilk the thirds of the parsonage teinds of Moffat and Kirkpatrick-juxta. 18th September 1583.

REX.

WE, be the tennour heirof, remittis and dischairgis to our weilbelouit Johnne Johnnestoun of that ilk the thrid of the personagis of Moffat and Kirkpatrick-juxta off the croppis and yeiris of God I^m v^e lxxviji, lxxix, lxxx, lxxxj, lxxxij and lxxxijiij yeiris instant; dischargeing heirsoir our collectour generall, present and to cum, his deputis and officiaris, off all asking, craving or vptaking of the thriddis of the saidis personagis off the saidis croppis and yeiris of God fra the said Johnne in tyme cuming. Dischargeing thame and all vtheris our officiaris and leidis quhatsumeuir thairof, and of all executing of ony our letteris aganis him thairsoir, and of thair offices in that part be thir presentis. Subseruict with our hand at Falkland, the xvij day of September, and of our regnne the sevinteint yeir, 1583.

JAMES R.

HUNTLYE.

CRAUFURD.

Indorsed as follows :—

Apud Falkland, xvij Septembris anno, etc., lxxxiji^o.

Sederunt.

Huntly.	Thirlstane.
Arrane.	Segy.
Montrois.	Murdocairny
Craufurd.	Clerk of Reg ^r .
Pettinweme.	

Red, past and allowit in counsall.

JOANNES ANDRO.

11. KING JAMES THE SIXTH to JOHN JOHNSTONE of that Ilk, warden of the West Marches, commanding him to keep the house of Torthorwald, for the better safety of the country. 31st October 1583.

REX.

JOHNNE JOHNNSTOUN of that ilk, wardane of our west marches of our real[me] foirant England, we greit you weil : Forsamekle as we haue gevin and disponit vnto yow the hous, manis and landis of Torthorw[ald], quhilks we meane alwayes sall remane in your handes for the better sa[fetie] of the cuntrie in cas of ony incursionis be inemyis or thevis. Quhairfoir it is our will, and we command yow that ye keip [the] said hous in your awin [han]dis, vndeliverit to quhatsumeuir person[is], notwithstanding ony of our charges gevin or to be gevin to yow in the contrair, quhill ye haue our awin forder directioun in that behalf be speiche ; and thir presentis salbe your sufficient warrand. Subseruit with our hand at Striueling the last day of October, and of our reigne the xvij yeir, 1583.

JAMES R.

HUNTLYE. PETTWNWEM.

Indorsed as follows :—

Apud Striueling vltimo Octobris anno, etc., lxxxiiij^o.

Sederunt.

Huntly.	Prevye Seill.
Seytoun.	Comptrollar.
Pettinweme.	Murdocairny.

Clerk of Reg^r.

Past and subseruit in Counsall.

JOANNES ANDRO.

12. KING JAMES THE SIXTH to JOHN, EARL OF MORTON, principal steward of Annandale, and JOHN JOHNSTONE of that Ilk, warden of the West Marches, directing them to evict tenants from lands in Annan. 1584.

REX.

JOHNNE, Erle of Mortoun, Lord Maxwell, stewart principall of the stewartrie of Anannerdaill, Johnne Johnnestoun of that ilk, wardane of the west marchis of oure realme, and your deputis, and Williame Creichtoun of Libberie, scheref deput of our schereflome of Drumfreis, we greit yow weil : Forsamekill as it is cleirlie and sufficientlie vnderstand be ws that Robert Johnnestoun, sone to vñquhile Johnne Johnnestoun of Newbie, hes obtenuit ane decretit befoir the lordis of our counsale and session,

with letteris thairypoun in all the four formes, chargeing Johnne Wyld in Annan, James Wyld thair, Dauid Johnnestoun thair, and remenant pretendit tennentis and occuparis of the said Robertis landis, tenementis, toftis and croiftis, lyand within the teritorie of Annan and stewartrie of Anammerdaill, to flii and remoif thame selfis, thair servandis, familie and guidis thairfra, to the effect the said Robert mycht enter thairto, labour and vse the samin as his proper heretage at his pleasure in tyme cuming, at (as) the saidis letteris at mair lenth beris, for non obtemperance of the quhilkis letteris the saidis haill tennentis war ordourlie denuncit rebellis and put to our horne ; quhairypoun the said Robert Johnnestoun meanit him to the saidis lordis and obtenit our vtheris letteris be thair deliuernace, chargeing yow, and ilkane of yow and your deputis, within quhais boundis and jurisdiction the saidis landis lyis, to pas and put the said decreit and letteris to dew executioun, and to that effect to remoif, devoyd and red the saidis tennentis, rebellis foirsaidis, and ilk ane [of] thame, thair servands, familie and guidis, furth of the saidis lands, ilkane for thair awin partis safer as thai occupie, and to re-enter him thairto and to the peciabill possessioun thairof conforme to the said decreit and letteris, notwithstanding quhatsumever priuie wrytting purchessit or to be purchessit in the contrair in hinderance of justice, vnder the panis of horning : Quhilk letteris being dewlie execute vpon yow, the said stewart, wardane and scheresdepute, ye haif contempnandlie disobeyit the samin, as the saidis letteris schawin to ws hes testifeit, sua that the said Robert in your default is in litill better estait nor he wes befoir he obtenit the said decreit and letteris, quhairintill we aucht to prowyd remeid. Quhairfair it is our will, and we charge yow, and ilk ane of yow, that incontinent aftir the sicht heirof ye pas, remoif, out put, devoyd and red the saidis haill tennentis our rebellis foirsaidis, and ilk ane of thaim, thair wyffis, barnis, servandis, familie, sub-tennantis, cornis, cattell, guidis and geir furth and of the said Robert Johnnestonis landis respectiue foirsaidis, with the pertinentis, ilk ane of thame for thair awin partis safer as thai occupie thairof, and to hald thame furth of the samin, and to re-enter the said Robert, his servandis and guidis, to the actuall, reall and peciabill possessioun thairof, and that ye assist and fortifie thame thairanent, and keip, bald, mentene and defend thame thairintill, ay and quhill the said Robert be ordourlie callit and laufullie put thairfra be the law aftir the forme and tenuour of the said decreit and letteris, vnder all hiest pane, charge and offence that ye and ilk ane of yow may incur and inryng aganis ws and our auctoritie rovell in that behalfe. Gevin vnder our signet and subseryuit with our hand at the day of and of our regnne the auchtent yeir, 1584.

JAMES R.

MONTROISS.

JAMES STEUART.

13. KING JAMES THE SIXTH to the COMPTROLLER and his DEPUTES, directing them to receive Sir John Johnstone of Dunskellie, knight, as tenant in the lands of Parkhead and others. January 1584-5.

REX.

COMPTRROLLER and your deputis and clerkis, we greit yow weill : Forsamekill as with auise of our secrete counsell we have laitlie set in few to our louit Schir Johnne Johnstoun of Dunskellie, knyght, the landis of Parkheid, Mukisfute and Sandylandis, quhilks become in our handis be the foifaltour of George Douglas, sumtyme of Parkheid, and that for payment yeirlie of the sovme of auchtene pundis of few maill alanerlie ; quhairfoir it is our will, and we command yow to resave the said few maill fra the said Schir Johnne Johnnestoune, his factouris and seruandis, and to gif acquittanceis and dischargeis thairupoun, and to mak your bukis, rollis and comptis in that part conforme thairto, nochtwithstanding quhatsumeuir vther rentale gevin vp or sovmes thairin contenit, for the quhilk thir presentis salbe your warrand, and that ye resave the said few maill for the Martymmes terme last bipast, and siklike yeirlie and termelie in tyme cuming, conforme to the said infestment of fewferine maid thairupoun : Subscribeit with our hand at Halirudhous the day of Januare 1584.

JAMES R.

MONTROISS.

THYRLSTANE.

14. KING JAMES THE SIXTH, empowering JOHN JOHNSTONE of Greenhill to raise a company of soldiers, and appointing him captain. 15th May 1585.

JAMES, be the grace of God, King of Scottis, to all and sindry our liegis and subdittis quhome it effeiris, to quhais knawlege thir oure letteris shall cum, greeting : Wit ye ws to haue gevin and grantit, and be thir presentis, with auise of the lordis of our secreit counsall, gevis and grants oure full power and commissioun, expres bidding and charge, to our louit Johnne Johnnestoun of Grenchill, to levy and tak vp ane hundredth wageit men of weare, for the advancement of oure authoritie and seruice, ower quhome we mak and constitute the said Johnne capitane and commandar, with power to him to caus stryke a drum in quhatsumeuir part of our realme to this effect, and to elect and cheis all officiaris and memberis to the said cumpany neidfull, for quhome he salbe haldin to answer ; and generallie all and sindry vther thingis to do and vse that heirin is requisite to be done, ferme and stabill haldand, and for to hald all and quhatsumeuir thingis he shall lauchfullie do heirin : Chargeing and commanding heiroir yow all and sindry oure liegis and subdittis foirsaidis, to concur, fortifie and assist the said

Johnne in the executioun of this our commissioun, and to do nor attempt na thing to his hinderance, as ye and ilk ane of yow will answer to ws vpoun your obediance at your vttermest charge and perrell, and vnder all hieast pane, cryme and offence, that ye may commit and intrin aganis our maiestie in that behalf. Gevin vnder our signet and subscriuit with our hand at Haliruidhous the fyftenth day of Maii, and of our regnne the xviiiij yeir, 1585.

JAMES R.

S. ROBERT MELUILL.

BLANTYRE.

15. KING JAMES THE SIXTH, authorising JAMES JOHNSTONE of that Ilk to retain possession of the castle of Lochmaben. 22d October 1588.

REX.

WE, be the tennour heirof, for certane resonable causis and considerationis moving ws, appointis and ordanis our weilbelouit James Johnnestoun of that ilk, to keip and retene still in his handis and custody our castell and fortalice of Lochmaben to our vse and behuiff, and onnawayis remove him selff nor his seruandis furth thairof vnto the tyme he ressaue expres command thairto out of our awin mouth, notwithstanding quhatsumeuir our chairges direct or to be direct in the contrarie, anent the quhil�is and panis contenit thairin we dispence be thir presentis; willing and declairing that the samin shall haue na strenth, force, effect nor executioun aganis him nor his seruandis, keiparis of our said castell vnto the tyme foirsaid; be thir presentis subscriuit with our hand at Burlie the xxij day of October 1588.

JAMES R.

16. KING JAMES THE SIXTH to the CONSTABLE OF EDINBURGH CASTLE, to liberate Sir James Johnstone of Dunskellie. 24th August 1597.

REX.

CAPITANE, constable and keparis of oure castell of Edinburgh, we greit you weill: Forsamekle as we haue licencit Schir James Johnstoun of Dunskellie, knycht, wardit within our said castell, to pas hame to mak some guid meanes for imbringing and entrie of certane personis plegeis quhairwith he is burdynnit, thairfore it is oure will, and we command yow, that incontinent efter the sicht heirof ye lett the said Schir James to libertie furth of our said castell, to effect foirsaid, and that ye ressaue him in ward againe within our said castell quhen he returnis thairto, thairin to remane ay and quhill he be fred and relevit be ws; and this present salbe your warrand. Subscriuit with our hand at Hammyltoun the xxiiij day of August 1597.

JAMES R.

17. KING JAMES THE SIXTH to [address wanting], to pay certain wages to the Laird of Johnstone's men for military services on the Borders. 22d April 1603.
[Copy.]

TRUSTIE and welbeloued, we grete yow well : Where for repressinge of certein lewd people who vpon the confynes of our realmes of England and Scotland haue comitted fowle disorders, we haue appointed fiftie horsemen of our garryson of Barwic and fiftie others newlie levied by the Laird of Johnston to attend vpon our west marches for the prosecucion of them, who, wee vnderstand from our commissioners at Carlyle, by reason of the late spoylinge of the countrey, are not able to continewe in service without an augmentacion of wagis : We haue therefore thought good to requier yow out of suche our moneys as are in your handis to paye, as well vnto the Laird of Johnston or his assignes for his fyfthe, as also to our fyfthe of our garyson of Barwick, an encrease of pay of viij^d sterlings by the daie aboue the ordenarye viij^d accustomed to be allowed vnto theme, so as the paye of eiche horse maye be for the tyme of this service xvij^d sterlyng; the same to take begynninge frome the xth daie of this monethe of Aprill, and so to contenewe durieng our pleasure. And yf yow haue not in your handis so moche of our moneys (aboue that which ys to paye our ordenarye of Barwick and the rest of the borders), then we requier yow to laye out of your owne or to borrowe so muche as may suffice for this chardge frome tyme to tyme, and we will take order yow shalbe paid that agayne at London or allowed that vpon your accompt, accordinge to the acquyttances which for the receipt of any parte of this encrease yow shall haue from the captaynes or vthers who shall receyve the same. Geven vnder our signet at our castle of Newark the xxijth of Aprile 1603.

18. KING JAMES THE SIXTH to the LORDS OF SESSION regarding the widow and orphan of the late Sir James Johnstone of Dunskeillie. 14th November 1608.

JAMES R.

RICIRT trustye and weilbeloued couseing and counsellouris, we greitt you weill : The late fithie murthour of Schir James Johnestoun of Dunskeillie, knight, haveing left the estaite of his hous in a greitt vncertaintye, and the freyndis thereof not as yit haveing had occasioun of any meiting to consider of the present conditioun thereof, we, in commiseratioun of the widowe and orphane, haif takin occasioun to desyire you to continu and superseid all processes, actionis and perswittes that salbe depending aganis any of thame befoir you indureing the tyme of this present sessioun, to the effect that in the subsequent vacance the freyndis of the hous may meitt and tak some course to give

every one his dew in whatsoevir can be demandit of thame, and heirin you sall do ws acceptable service : and so we bid you fairweill. From our pallace of Whitechalle the xiiiijth of Nouember 1608.

To our right trustie and weilbeloved couseing and counsellouris the Erle of Dumfermling, our chancellour, and remanent senatouris of our colledg of justice of our kingdome of Scotland.

19. KING JAMES THE SIXTH to ROBERT JOHNSTONE of Raecleuch, tutor of Johnstone, intimating that the Earl of Dunbar is to oversee his intromissions with the estate. 1st April 1610.

JAMES R.

TRUSTIE and weilbeloued, we greit you weill : Vnderstanding of the present hard estait of the hous of Johnestoun, and how farre the samyn is engaiged and morgaiged, and we being caifull of the boyes educatioun and of the weill and continowanee of his hous, which cannot bot fall to vtter rwine and decay if some goode course be not spedelye taken for the helppe thereof; and since your tutorye is nothing els bot ane office vrgeing of you this same caire and diewtie, wherein you are not to expect to make yourself any fortune by wrongeing your pupill, nor yitt to think that any portioun of his rent is to be spent by you otherwayes then whiche salbe gevin for the boyes entertenement and educationn and the releif of his land : we haue therefore gevin to our right trustie couseing and counsellour the Earle of Dounbar speciaill chaire to call you before him, and to tak suche ordour therein as paift of that rent wherewith you haue right of intromissioun be no otherwayes employed then to the end and intent abonespecefeit, vnto the which willing you to conforme your selfe, we bid you fairweill. From our court at Whitehall the first of Aprile 1610.

Tutour of Johnestoun.

To our trustie and weilbeloued Robert Johnestoun of Raecleughe.

20. KING JAMES THE SIXTH to the CHANCELLOR OF SCOTLAND and LORDS OF SESSION, requiring them to take an oversight of the safety and estate of the young laird of Johnstone in his minority. 21st October 1611. [Copy.]

To the Chancellour and Sessioun,

RIGHT trusty and right weilbelouit cosen and counsellour, and right trusty and weilbeloued counsellouris, wee greet yow weill : Vnderstanding of the great preuidice which

the Laird of Johnestoun may now, in his younger yearis, (possiblie) sustyne by the procurement of such as, selikng his ouerthraw and the ruine of his house, doe intend to take all aduantages against him, who (having bene in his verie enfancie, by his fathers vntymlie and treasonable murthour, enwraped in a multitud of such intricat affaires, as his continuall troubles haveing once confused did neuir permitt him iu his owne tyme to outrad), is as yett of such age as can not but deny him that sufficieny required for the better managing thereof, wherein his freindis help must be als littill expected as it is otherwayes promissed, by resoun of those of his fathers side their vnworthines, dishabling them altogidder to assist or mentyne him in his good right, and of the mothers syde their vnkynndnes, the continuing effect of their soe long continued deadlie feidis, and shee being latlie maried to a stranger not hable (how willing soeuir) to mentyne him from wrong; wee can not but, in consideratioun of the premisses, soe much the rather impart to him such portioun of oure gratioues favour as wee have evir extendit to all minors whose estait is by all lawis, both devin and humane, most favorable: and herefor doe wee earnestlie require yow to call to memorie such courses as to our approbatioun have bene formerlie observed for the indemnitie of minors, and more particularly to remember the course taken in this Erle Murrayis affairis enduring his minoritie, to the effect that according to these presidentis yow may, with all convenient diligence, resolute vpoun the like for preserving of the foirsaid Laird of Johnestoun, now in his nonage, from all and whatsomeuir ciuil persutis intentit, or induring the same to be intentit against him, whiche, if yow can not performe without our speciall warrant, vpoun your signifieing to vs that the same may not be otherwayes by your selfis effected, yow shall understand our furder pleasur thereanent. And in the meane tyme wee doe hereby expreslye inhibite and discharge yow to grant any proces or actioun to any partie whatsomeuir against him, wherein willing yow not to failye, as ye wold doe vs most acceptable service, wee bid yow hartely farewell. From our courte at Roistoun the 21 of October 1611.

21. KING JAMES THE SIXTH to [address wanting], to the same effect. 21st October
1611. [Copy.]

RIGHT trusty and right weilbeloued cosen and counsellour, wee greit yow weill: Having for diuerse good respectis required yow, with the remanent lordis of our consell and sessioun there, to have a speciall care of the Laird of Johnestounis (much to be pittied) estait, wee have likewayes thought good to recommend the same vnto yow in particulare, assuring ourself that these reasonis inducing vs to wryte to yow in his favouris (being in themselvis most reasonable and by yow well considered), wilbe als

forcible argumentis to perswade yow by your good exemple to incourage others in the furdering of our will thereanent specifeit in our other letter, as they have otherwayes iustlie moued vs soe seriouslie to require yow to obey and performe the same, wherein willing yow not to failyee, as yee wold doe vs most acceptable service, wee bid yow hartelye fareweill. From our court at Roistoun the 21 of October 1611.

22. KING CHARLES THE FIRST to JAMES, FIRST LORD JOHNSTONE, to maintain Mr. George Buchanan, minister at Moffat, in his charge there. 2d July 1639.

RIGHT trusty and welbeloued, wee greete yow well : Whereas Mr. George Buchanan, minister at Moffat, was put from his place and charge by the proceedings of the late pretended assemblie at Glasgow, and now, as wee are informed, yow are about by your meanes to haue another minister planted at that church, by which the minister should suffer most vnjustlie, and that by you of whom wee exspect greater respect and affection to our seruice. Our pleasure is that you do not assist that course for any other, but see the said Mr. George, who suffers for our seruice, mantained in his place, as yow will approue the care you haue of our seruice ; wee bid yow farewell. From our court at Berwick the second day of July 1639.

To our trusty and welbeloued the Lord Johnston.

23. KING CHARLES THE FIRST to Mr. ROBERT HENDERSON, moderator, and the other members of the Presbytery of Lochmaben and Middlebie, discharging them from proceeding against Mr. George Buchanan. 13th July 1639.

CHARLES R.

WHEREAS wee vnderstand that Mr. George Buchanan, minister at Moffat, is put from the exercise of his function by a committee sent from the late pretended assemblie at Glasgow, and that yow intend to tak vpon yow to admitt and enter another to that church, whereat wee cannot but meruaile, in respect wee haue concluded to hold a generall assemblie the next month, where all persons of your calling against whom any

cryme can be objected are to be censured : Our pleasure is, and wee strictlie command yow, that yow surcease from all further proceeding against the said Mr. George, and to the admitting of any other to the said church, vnder what pretext soever, vnder paine of our highest displeasure. Giuen at our court at Beruick the 13 of July 1639.

To Mr. Robert Henderson, moderator of the presbyterie of Lochmaben, and remanent ministers of the presbyterie of Lochmaben and Middilbie.

24. CONDITIONS OF PARDON offered by QUEEN MARY to WILLIAM, EARL OF ANNANDALE, through Sir William Lockhart. *Circa 1690.* [Copy.]

MARIE R.

WE doe allow Sir William Lockhart, our solicitor, nou resident with us for Scots [affairs], to speak with William, Earle of Annandall, and on our royll word to promis him a remission under the king's hand in the most ample form for all tresons and other cryms committed [against] ws, our persons and goverment ; the said earle allwayse performing the conditions after-mentioned, upon which considerations only he is to be pardoned.

1. That William, Earle of Annandall, shall mak a full and free discoverie of all plots, tresons, contryvances, which eather he was actualie concerned in, or cam anay other maner of way to his knouledge, against the persons of the king and queen, or the goverment.
2. That the said Earle of Annandall shall give the information desyred in wryting, specifying persons as well as things, of whatsomever degree or qualitie, who have in anay maner been accessorie to, or guiltie of the abovmented cryms.
3. That William, Earle of Annandall, shall surrendur himselfe to Sir William Lockhart, and shall not converse by word or wryting, nor receave from anay person anay messadge in relation to the transactions he hath been in, or cryms he hath been guilty of or had knouledge of against the goverment, but what he shall of his oun accord mak known to the queen, and is thus to continu during her majestys plesur.

And we doe declar and give our royll word that William, Earle of Annandall, shall never be used as evidance or witnes against anay person mentioned in the information we are to receave from him.

M. R.

This is the true copie of the conditions offered to the Earle of Annandall.

WILL. LOCKHART.

25. KING WILLIAM THE THIRD to the PRIVY COUNCIL OF SCOTLAND, approving their nomination of William, Earl of Annandale, as their president. 12th January 1695. [Copy.]

Sic suprascribitur—WILLIAM R.

RIGHT trusty and right welbeloved cousine and councillor, right trusty and intairly beloved cousin and counsellor, right trusty and right welbeloved cousins and councillors, right trusty and welbeloved cousins and councillors, right trusty and right welbeloved councillors, right trusty and welbeloved councillors, and trusty and welbeloved council-lors, wee greett yow well: Whereas upon your nominating our right trusty and wellbeloved William, Earle of Annandale, to preside in our councill, wee did apprehend that ther might be a point of pretention of right in the case, and did therfor delay to approve of the said nomination till wee should be further informed, and that wee have now had the said information, and are satisfied that yow have proceeded according to your commission and the usuall method of councill in the lyke eases, wee doe therfor approve of your said nomination, and appoynt the said William, Earle of Annandale, to to continow to precide dureing the chancellor's absence, or till our further pleasure; and so wee bid yow heartily farewell. Given at our court att Kensingtoun the 12th day of January 1695, and of our rigne the sixth year.

By his majesties comand, sic subscrifit,

J. JOHNSTON.

26. INSTRUCTIONS to WILLIAM, EARL OF ANNANDALE, as High Commissioner to the General Assembly of the Church of Scotland. 7th February 1701.

INSTRUCTIONS to our right trusty and entirely beloved cousin and councillor, William, Earle of Annandale, our commissioner to the General Assembly of the Church of our ancient kingdom of Scotland.

1. You are at the opening of the assembly to give them new assurances that we do resolve to mentain the Presbyterian government in the church of that our kingdom.

2. You are to suffer nothing to be done in the assembly to the prejudice of our authority or prerogative.

3. You are to take particuler care that nothing be treated of that is not a fit subject for an ecclesiastical meeting.

4. You are to recommend to them the planting of such churches as may be still vacant, in which they shall meet with all encouragement.

5. You are to take care to prevent as much as possibly you can the turning out of their churches such of the Episcopal ministry as are qualified conform to the Act of Parliament.

6. You are to encourage any inclinations you find in the assembly to assume to their government such of the ministers who preached under bishops and are qualified by law, whom they shall find to be pious and moderat men.

7. You are to allow them to appoint commissions for planting vacant churches and for assuming such ministers as have either qualified or shall qualify themselves, according to law, being pious and moderate men, and for dispatching such ecclesiastical affairs as shall be remitted to them by the assembly.

8. You are to endeavour that as soon as possible the assembly dispatch what is most necessary, leaving other matters to the aforesaid commissions and the inferiour judicatures.

9. In matters of difficulty you are to advise with such of our officers of state or members of the assembly as you shall think fit.

10. You are to dissolve this assembly betwext and the 12th day of March next, or sooner, if bussiness can be got done. And you are to appoint a new assembly to meet at the day of . Given at our court at Kensington the 7th of February 170², and of our reign the 12th year.

W. R.

27. WILLIAM, EARL OF ANNANDALE, to KING WILLIAM THE THIRD, thanking him for the honour of his appointment as High Commissioner to the General Assembly, and assuring him of his zeal and loyalty in his service. c. February 1701. [Draft.]

MAY itt please your majestie,—I humblie presume to offerr my acknoledgement off the undeserved honor and trust I have from your majestie vpon thiss occasion, and since none off your secretaries are with you, and that I transmitt, I hope, a dutifull retturne from the assemblie to your majesties gracious letter, I beg itt may plead excuse for thiss boldness. Endeavors are used to push the members off this assemblie to assert the intrinsick power off the Church, and that they should breake upon thiss. Itt comes the same way the opposition in parliament came. The members of the presbytrie of Hamilton and there associatts are those who presse itt ; butt I hope I may saifie give your majestic assurance that as they are engaged by there letter to wave all unseasonable questions, see thiss will nott obtain att thiss tyme, and in all there proceedings

there shall appeare a dutifull and affectionatt regard for your majesties royall authoritie and government, and that there may be such a conclusion off thiss meetting in the tyme your majestic allowes as may be evrie way for the interest and good off your service. Your majesties commands shall be ever with the greatest fidelittie and zeall observed and obeyed by me. My life and fortune I have and ever shall dedicatt to your service. Thiss is my duettie, and I have too much honor iff your majestie graciously receive thiss from,

28. QUEEN ANNE to the GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND, assuring them of her affection and protection. 5th February 1703. [Copy.]

ANNE R.

REVEREND and ueell beloved, uee greet you ueell : The tyme appointed by our proclamation, dated the 5th of February 1703, for the sitting of the generall assembly now approaching, uee have made choise of our right trusty and right ueell beloved cussing and councillor, James, Earle of Seafeild, our high chancellor, to be our commissioner to this assembly, off whose fidelity, sufficiency and zeall for our service uee have had good experiance on severall occasions, and speciall he having been very acceptable to a former assembly. Wee earnestly recomend to yow to be sollicitously carefull of what may advance the interest of the reformed Protestant religion, and for suppressing the grouth of Popery. Wee renew the assureance given by us for the protection of the Presbyterian government, as that which uee find acceptable to the inclinations of our people and established by the lawes of the kingdom. Wee are confident that you uill act in this assembly so as uee shall have neu reasons to be satisfied with you and your conduct ; and that you uill carry soe with others of the reformed Protestant religion, albeit differing from yow in forms of church pollicy, that by your meeknes and charity they may be the more enclyned to live peaceably and dutifullly under us and in brotherly love and respect towards you and the Established Church, wherein if they fail, uee shall recomend to our privy councill to proceid dilligently in censure against such delinquents. But uee hope better things of them. Wee lykuayes recomend to yow the placing of ueell qualified ministers amongst the remoter highlanders and islanders, uee looking upon that as the best mean of rooting out the Popish errors, immoralitys and profanity, and withall uee shall give directions to our privy councill for the exact application of our royall authority and lawes to these good ends ; and soe uee bid yow heartily fareuell. Given att our court att St. Jameses the fift day of February, and of our reign the first year, 170³.—By her majesty's command, sic subserbitur, TARBAT.

To the reverend and ueell beloved the moderator, ministers and elders of the General Assembly of the Church of Scotland.

29. QUEEN ANNE to the GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND, intimating the appointment of William, Lord Ross, as her Commissioner. 29th February 1704. [Copy.]

Suprascriptur, ANNE R.

RIGHT reverend and well-beloved, we greet yow well. The satisfactory accounts we have had of your good conduct and management in the last assembly give us full confidence of your meeting at this time in the same good disposition. And we doubt not but yow will improve this opportunity to do what may be further necessary for promoteing the true reformed protestation religion. And we earnestly recommend to yow to take effectuall methodes for planting of vacant churches with pious and learned ministers, which is so necessary for suppressing error and immorality; in doing whereof yow shall have from us all due encouragment and assistance. We have thought fit to appoint our right trusty and entirely beloved counsellor, William, Lord Ross, to represent our royall person in this assembly, whose abilities and fitness to discharge this trust will, we dowbt not, render him acceptable to yow. We have fully instructed him in what may be further necessary, and therefore yow may give him entire trust and credite. So recommending to yow calmness and unanimity in your proceedings, and the avoiding unseasonable debates, which yow may be sensible will be of bad consequence in this juncture, we bid yow heartily farewell. Given at our court at St. James's the 29th day of February 1704, and of our reigne the second year.—
By her majesties command, sic subscriptur,

CROMERTIE.

30. QUEEN ANNE to the GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND, intimating her appointment of William, Marquis of Annandale, to be her Commissioner. 9th March 1705. [Copy.]

Suprascriptur, ANNE R.

RIGHT reverend and well beloved, we greet yow well. We are very well satisfied with the accounts we have had of the dutifull and moderate proceedings of former assemblies, and therefor we do most willingly countenance your meeting at this time. We doubt not but yow will improve this opportunity for promoteing of piety and religion, and discourageing vice and immorality, and preserving good order in the church, in all which yow shall have our hearty concurrence. We do earnestly recommend to your care the planting of the vacant churches with pious and learned ministers, especially in the Highlands and Islands, and it will be worthy of your serious consideration to make a right distribution of those libraries which have been so piously mortified for the churches in those parts. We have ordered the charges of transport-

ing them to be payed out of our treasury, and nothing shall be wanting on our part for encourageing so pious a design. We have appointed our right trusty and entirely beloved cousin and counsellour, William, Marquess of Annandale, to represent our royal person in this assembly, whose abilities and fitness to discharge this trust will (we doubt not) render him acceptable to yow. Him we have fully instructed in what may be further necessary, and therefor yow may give him entire trust and credit. We doubt not but yow will proceed with your usuall moderation and unanimity, and assuring yow of our firm resolutions to maintain the established government of the church, we bid yow heartily farewell. Given at our court at St. James's the ninth day of March 170 $\frac{1}{2}$, and of our reigne the fourth year.—By her majesties command,
sic subscrifbitur,

SEAFIELD.

31. ADDITIONAL INSTRUCTIONS by QUEEN ANNE to WILLIAM, MARQUIS OF ANNANDALE, as Commissioner to the General Assembly. 9th March 1705.

ANNE R.

AN Additionall Instruction to our right trusty and entirely beloved cousin and counsellor, William, Marquis of Annandale, our Commissioner to the Generall Assembly.

Notwithstanding of what is containd in our instructions to you of this date, you may allow the approving of the synods or presibterys books, even tho they should contain articles asserting the intrinsick power of the church, providing there be nothing publickly declared in the assembly touching the same, or that is derogatory from our prerogative. Given at our court at St. James's the 9th day of March 170 $\frac{1}{2}$, and of our reign the 4th year.

A. R.

32. INSTRUCTIONS by QUEEN ANNE to WILLIAM, MARQUIS OF ANNANDALE, as Lord High Commissioner to the General Assembly of the Church of Scotland. 20th April 1711.

INSTRUCTIONS to our right trusty and entirely beloved cousin and counsellour, William, Marquiss of Annandale, our commissioner to the General Assembly of the church of that part of our kingdom of Great Britain called Scotland. You are at the opening of the assembly to give them new assurances that we do

resolve to maintain the Presbyterian government in the church of that part of our said kingdom.

You are to suffer nothing to be done in the assembly to the prejudice of our authority or prerogative.

You are to take a particular care that nothing be treated of that is not fitt for an ecclesiastical meeting.

You are to recommend to them the planting of such churches as may be still vacant, in which they shall meet with all encouragement.

You are to prevent, as much as possible you can, the turning out of their churches such of the Episcopall ministers as are qualifyed conform to the act of parliament.

You are to encourage any inclinations you find in the assembly to assume to their government such of the ministers who preach'd under bishops and are qualifyed by law, whom they shall find to be pious and moderate men.

You are to allow them to appoint commissioners for planting vacant churches, and for assuming such ministers as have either qualifyed or shall qualifie themselves according to law, being pious and moderate men, and for dispatching such ecclesiastical affairs as shall be remitted to them by the assembly.

You are to endeavour that, as soon as possible, the assembly dispatch what is most necessary, leaving other matters to the foresaid commissioners and inferior judicatures.

You are to dissolve this assembly betwixt this and the day of , or sooner if business can be got done, and you are to appoint a new assembly at the day of . Given at our court, St. James's, the twentieth day of April, and of our reign the tenth year.

A. R.

33. PRIVATE INSTRUCTIONS for the MARQUIS OF ANNANDALE. 20th April 1711.

ANNE R.

PRIVATE instructions to our right trusty and entirely beloved cousin and councellour, William, Marquiss of Annandale, commissioner of our General Assembly of our church of Scotland.

Notwithstanding of our other instructions, you may allow the assembly to approve of the synod and presbetry books, albeit they contain acts asserting the intrinsick power of the church, providing it be not mention'd in the assembly that these synod and presbetry books contain any acts asserting the intrinsick power above mention'd.

You are directed to endeavour, by all prudent and cautious ways, to recover the former method of appointing of fasts and thanksgivings, but if that cannot be obtained, you are allowed to let them proceed in this and their other affairs in such method and

forms as has been practised in the late preceding assemblies ; for which this shall be your warrant. Given at our court at St. James's the twentieth day of April, and of our reign the tenth year.

A. R.

34. SOPHIA, ELECTRESS OF HANOVER to WILLIAM, MARQUIS OF ANNANDALE, that she is pleased to hear of his satisfaction with his visit. 19th November 1712.

Gheur, le 19 de Novembre 1712.

MY LORD,—J'ay apris auce bien du plesir que vous auez este si satisfait de la cour de Berlin et de celle de Wolfenbudel. Je ne m'en scaurois tout a fait attribuer le merite puis que vous auez veu partout des personnes de discernement qui ont veu ce que vous vales, et que je leur ay dit la verite. J'ay creu deuoir vous randre ce petit seruice pour l'affection que vous dites auoir pour moy et pour ma maison, n'aient point d'autres a vous faire voir que je suis, my lord, vostre tres affectionee a vous randre seruice,

SOPHIE, ELECTRICE.

A monsieur le Marquis d'Annondall, a Viene.

TRANSLATION.

Göhre, 19th November 1712.

MY LORD,—I have learned with much pleasure that you have been so well pleased with the court of Berlin, and also with that of Wolfenbuttel. I cannot altogether claim the merit of this, seeing you have everywhere met with persons of discernment who themselves have recognised your worth, and have seen that I told them the truth. I thought it my duty to render you this little service in return for the affection you declare you have for me and for my house, having no other way in which I can show you that I am, my lord, yours very affectionately to do you service,

SOPHIE, ELECTRESS.

To the Marquis of Annandale, at Vienna.

A Monseigneur
Le Marquis D'annonciat

a Vienne.

my Lord

Les amis

avec hon Je prie que vous ayez
été si satisfait de la Cour de Berlin
& de celle de Wolfenbuttel Je ne mes-
sieurs tant qu'il attribuez le mérite plus
que vous ayez touz partout des personnes
distintement qui ont vu ce que vous
avez et que je leur ay dit la vérité
Je vous devoit vous rendre a petit
service pour l'effection que vous dites
meur pour moy et pour ma maison
et au moins faire l'autre a vous faire
ce que je suis

my Lord

Votre très affectionné a
vous rendre service

Sophie Electre

II.—STATE AND OFFICIAL LETTERS.

35. JOHN, EIGHTH LORD MAXWELL, warden of the West Marches, to JOHN JOHNSTONE of that Ilk, regarding a complaint of the latter as to the apprehension of his servant. c. 1573-1578.

SCHIR,—I resauit your letter sayand ye ar informit I hafe tane ane seruand of youris. I hafe resauit ane buik of the rebellis and fugytiuis fra my lord regent grace, quhairof I hafe tane sex, bot I vnderstand nane of thaim to be your seruand. And geif ye had expressit the name of him ye allege to be your seruand, I sould hafe send yow resonable answer thairof. And thus fair ye veill. Of Drumfres this Thurisday.

To the rycht honorable the Lard Jonstoun.

JHONE L. MAXWELL

36. JAMES, FOURTH EARL OF MORTON, to MARGARET SCOTT, wife of John Johnstone of that Ilk, regarding the offers of the Laird of Ferniehirst. 13th January 1579-80.

MADAM,—Efter my hearty commendatioun I resauit your letter in fauoures of the lard of Pharnyhirst and your sister, and schawing that ye had ressauit aduertisment fra thame of lait, and thairfore desiris to knew quhat I thocht of thair offers. At the ressaite of your ladyschips letter I wes heir at Halyrudehous with the king, and the offers wer in Dalkeith. Safar as I can call to remembrance thair wes sum of the offers quhilk I did lyke, bot vtheris that I mislykit, becaus thay twitchit my seruandis in sum landis quhilkis thay haue that wer the Lard of Grangeis. Mary the principall mater stude vpoun my Lord of Anguse consent and guidwill, quhilk I knew not as yit gif the same be obtenit or not. Alwayes that thing quhilk I spak I mynd to keip, that wes that I wald brek of my will, and that for the satisfacioun of your husband and your self for the guidwill that I beare to yow. This mater wilbe mair able to be put to a poyn be commoning nor be writing, and befoir your husband or your incuming to this feild, I think to pervse the heades of the offers, quhairby I may be the mair able to gif you ane resolute answer. And sa, wisching yow gude health, I commit your ladyschip to the protectioun of God. At Halyrudehous, the xij of Januar, 1579.—Your ladyschip assured freind,

To the richt honorable my gude lady the Lady Johnnston.

37. JOHN, LORD HAMILTON, afterwards first Marquis of Hamilton, to JAMES JOHNSTONE of Johnstone, appointing a meeting at Peebles regarding the peace of the Borders. 19th November 1589.

ALBEIT ye haue in tymes bipast wsit your selff to me and myne not according to your dewatie and ressoun, yit not the les in respect of the guid affection I haue to the advancement of his majesteis seruice and quietnes of the realme, I haue thocht gude to wrait this present unto yow to lett yow know that, according to the kingis directionoun lefft ws, we haue appointit iustice courtis to be haldin at Drumfreis and Jedburght in this nixt moneth of Januar, and for executing of his hienes auctorite aganis thame that salbe inobedient, we haue appointit a force of his majesteis gude and obedient subiectis to be thair assemblit at that tyme, according to the proclamationis direct to that effect. Bot becaus we wald be laith that ether the euntrie in generall, or ony vther particualair man in speciall, sould find thame trublit or grevit quhair thair is not just occasioune, we will desyr yow thairfoir, all excuses sett apart, that ye will not fail to meitt ws at Peiblis vpoun the last day of November instant, to gif your gude aduise in sie thingis as may advance his majesteis service, the keiping of the peax, the repressing of offendouris, and commoun quietnes of the realane, and specialie how it salbe metaist that we proceid at this tyme, as ye will declair your affectionat obedience to the accomplisheiment of his hienes declairit will. Alswa, we desyr yow that ye caus a couple of the principallis of ilk branche of your servandis and dependairis that hes bene in vse of plegeing or accustomat to find souirtie to be vpoun the last of this instant moneth likuse in Peiblis, that we may vnderstand the names of the plegeis presentlie lyand, quhair thay remane, for quhome thay ly, and quha sall interchange thame, namelie for

Jok of Kirkhill and Jok of the Hœwgill, and thair gang.

Thome of Finglen and Niniane of Finglen.

Martine of Myreheid and Dauid of Mylbank.

Edward of the Quais, and

Gibbe of Fairholme and Andro of Tunergarth.

Dauid, sone to Will of Brvmell, and young James Jok.

The reid lairdis sone and Martine of Kilriggis.

The Laird of Newby.

Edward Irving of Boneschaw.

The Laird of Esscheschellis.

Andro Johnnestoun of Locarby.

Mungo Johnnestoun of Locarby.

Pait Moffatt of Cammok.

And thus resting all vther thingis to meting or aduertisment. Att Edinburgh the xix day of November 1589.



To the Laird of Johnnestoun.

38. WILLIAM, TENTH EARL OF ANGUS, to SIR JAMES JOHNSTONE of Dunskeillie, as
to certain Border depredators. 12th September, c. 1592.

RVCUT trest freind,—I resaifit your letter declairing that swme of the Couchwmes,
vtherwayes callit Jhonstons, and their ewmpleiches to the nwmbur of sevine, hes ewme
leitlie to Middilgill, and their hes reisit fyir, and hes slaine young Mongo of Lokarbie,
quhairof I wes altogidder ignorant befoir the reseit of your letter. Bot becaus I am
vpoune Fredday nixt to repair toward his majestie, I will verray effectuslie request
to vse no rigour nor hostil[it]ie ether in bur[n]ing or slaing vnto the tyme his majestie
and consall tek tryell in that metter, and efter my retурne quhat his majestie thinkis
expedient I sall do for punisment of the wrang your freindis hes resaifit. I sall nocht
feill to put the same in executioun in all poyntis to your contentment. In suspending
your wreithe and leiffin off all violent reweng, I dout nocht bot it salbe ane begin-
ning of ane gretter quyett boytht to your freindis and self, and it will mowe his
majestie to be the mor fauourable vnto yow. I will wreitt to his majestie the morne
to the effect his majestie may appoyn me ane certane day qnhane I sall ewme to his
majestie for sic speciaill turnis I haif ado, and, conforme to his majesties aduertisment,
I sall wreitt to yow to caus Middilgill meit me in Dalkeyth to mek his compleint.
Returne me the tua assurances subserywit be your freindis, and sielyik the band
Balcluche suld ~~subserywe~~, as also the cattollog of the fwit theiffis quhilkis ye promisit
to me, for I am informit they ar daylie commitand stowthes and doaud wrangis. Latt
me haif your anser with the berar quhat I may expect at your handis anent tho

premissis; and this for the present I committ yow to Godis tuitioune. Frome Douglas the xij of September, your verray assurit freind,

I haue wreittin instantlie to Drumlanrik werry quiklie anent your complent, and sell lat yow understand off his anser. Balcleuche will meitt me in Edinburgh about Sattirday or Sunday, and ye sell haue that c[1]auss in the band mendit as ye desyr. I sell send yow lettres to put the Cuchenis to the horn, for I assure yow this last fact selbe mendit or than I sell want credite. It may be that this matter work yow a graitteir weill.

To his speciall gud freind, the Lard off Johnistoun off Dunskyly, knycht.

39. JOHN SPOTTISWOOD, Archbishop of St. Andrews, to SIR GIDEON MURRAY of Elibank, Treasurer depute, meeting with the parson of Moffat, etc. 27th November 1618.

My very honourabill good Lord,—I was yesterday seeking your lordship qhen yow wer in the chancellaris hous to haif kissit your handis, and schewne yow that I had spoken with the person of Moffet at lenthe, qho I hope wil meet your lordship with al reason. It salbe best that your lordship wryt to my Lord of Glasgow to keip the day prefixit, and I think he sal bring him to sum certain point, for I haif vsit al the reasonis I culd, and those your lordship gaif me yesterday in the Tolbuith. Now I must intreat your lordships favour to ane of our St. Andrews men, q[ho wes] referrit to your lordship for beir bringing from Ingland. Thei cal him Alexander Law. His factor wes doun a yeiris since and, as he tellis me, much of that he broght wes dealt at the portis of Edinburgh, and wil acte him self never to doe the lyk vnder qhat panis your lordship sal pleise; for qhom the captain and I wil becom sovrities to your lordship. He is ane very honest man and hes mony children, qhiche movis me to

intreat for him : And I assure myself he sal find favour for my sake at your lordships hand. So for this tym committing your lordship to God, I rest,—Your lordships assurit to command,

Leythe, the 27 November 1618.

To my very honourabill good Lord, my Lord of Elybank, Thessaurer Deput to his Majestie.

40. SIR ROBERT KERR, afterwards Earl of Ancram, to JAMES JOHNSTONE of that Ilk, with friendly advices about the management of his affairs. 26th October 1629.

SIR,—Yow are not deceived in your expectation of my kyndnes so farr as I can availe yow, butt I am a weake prop to leane too, therfore yow must not deceive your selff that way, thogh I shall not faile to do all I can for any thing that concerns yow agaynst all cummers. For your gouernment of the Borders I have estranged my selff from it long agoe, but now that yow bid me, I will watch to see uhat furder I cane do yow iff these projects cum to pass which are yet but chalked, not clipt. And for your cuming hither as yow resolute, wele, it is to small purpose, except yow had greater busines then to be knowne to the kyng ; that yow may do with your owne convenience heirafter. And for your father in lawes beeing heire, I do not know yet his busines, but he and his oncle, Sir Robert Dalyell, who is a very busy man, and his confidents, only knowes. But Sir Robert and I am not so free with other as that I would tell him any thing concerning yow which I cared for. It may be I told him, as I haue donne also Drumlanrick, that I thought yow and yours were all saiffe so farr as he had power, and therfore I wonderd how Gawen of Ridhall came to be so sommerly handled. But I haue heard from those I trust very wele it was his owne fault, that was so confident that he could not be fyld when Mr. Lewis Steward came to plead for him, that he would take no warning to be gone out of the way. God Almyghty hath a hand in all those things, and yow must not sett your harte nor your reputation at stake for that kynde of men ; for I know them wele aneugh. Theye will not keip vpp their hands, therfore lett them beare their owne burden, and looke to your more concerning busines, or ells for their sakes yow will offend the kyng and make your selff a pray to your ennemyes. There shall none of yours fall to the ground that I may saiffe, for I am a frend to all your frends ; butt the government of the world is altered, and wyse men must take another course. Yow ar young aneugh, and thogh many of meane degree haue gott the start of yow, yet with pacience and industry yow

may cum wele aneughe to your ends, and yow shall have the best assistance can be donne by your loving eosen and seruand,

S. RO. KARR.

Whythall, 26th October 1629.

Nothing that yow wrote to me is knowne to any body, so as yow neid not change your seruis to your father in law for any such ymagination. I will do all good offices among yow, and iff he be kynde to yow, be yow kynde to him, and breake not easily such bonds as you are tyed in, that will make a warre at your owne fyirsyde, for your children are also his. Pick quarrells to no body, much less to your frends, and be not jealous of them without seen cause ; rather be deceived.

To my honorable frend the Laird of Jhonstoun.

41. WILLIAM, SEVENTH EARL OF MENTEITH, to JAMES JOHNSTONE of that Ilk—a justice court to be kept at Jedburgh. 6th April 1630.

SIR,—Quhairas it is our maister the kingis most excellent majestie his will and pleasour that ane justice court be keipit be me at Jedburgh the tuentie day of Apryle instant, with continuatioun of dayis, for tryell and puneishement of dyuers notable maliefactouris, guiltie and culpable of dyuers capitall crymes, and thairby for puting of that part of the kingdome to quyetnes ; I accoirding thairto haif directit furth my preceptis, and the said justice court is proclamet to be keipit and haldin be me the day and place foirsaid, and to the effect aboue writtin. And seing the honour and dignitie of this his majesties seruice and imployment craves that the said justice court be gracet with the personall presens of the speciaill noblemen and gentilmen of that quarter of the kingdome quhairin the said justice court is to be keipit, off the quhilk number yow ar ane speciaill ; thairfoir, and for the better advancement of his maiesties seruice, thease ar to requeist and desyre yow in his maiesties name to addres your selff to the said burgh of Jedburgh, and to meit me thairin, the said tuentie day of Apryle instant, that I may thair confer and advyse with yow in sindrie particularis concerning that matter, alsweill for puneishement of maliefactouris as for puting the cuntrie to quyetnes, and keiping thairof in that conditioun heireftir. Thus expecting your cair and dilligence heirintill, as ye respect his maiesties seruice and wcall of the cuntrie, I commit yow to God and restis your loving freind,

Halyrudhous this 6 of Apryle 1630.

To my loveing freind the Laird of Johnstoun.

42. WILLIAM, SEVENTH EARL OF MORTON, to JAMES JOHNSTONE of that Ilk,
afterwards first Earl of Hartfell, to meet the King at his entry to Scotland.
23d May [1633].

RIGHT HONORABLE,—I am commandit to wait upon the kings majestic at his first entrie to Scotland, whar it is necessar that I be accompanied with a number of my noblest and best freinds. In this consideration I am bold to intrait you do me the honor to meit me upon the hill before Atoun, neir to the bound rod, upon Wedinsday, the tualt of June, at aught a clok in the morning, accompanied with a dussan or sixtein of your freinds or seruands in guud equippadg. By this you sall oblidg your assuit freind to serue you,

MORTON.

Dalkeith, the 23 Maii.

I intrait you caus som of your seruants prouyd som wyld foul for me, and what can be had, lat it be in Dalkeith upon Thuiriday, the threttein of June, for the king is to be ther the day following.

To the right honorable the Laird of Jhonstoun.

43. ROBERT, FIRST EARL OF ANCRAM, to JAMES, LORD JOHNSTONE—about further honours and his desire for a command on the Borders. 13th October 1633.

MY LORD,—I have deferid to assure the lettred yow sent me by the bearar till his return, for it was not a matter that could be mended by haste, and if loue to your persone or house could procure it, or diligente solicitation, the one should not be wanting in me, nor the other in the bearar, who hath not failed to remember me of it carefully, as your lordship would do wele to acknowledge to him, that thereby such as are willinge to serue yow may be animated to do so still. As for the matter, iff it were in my power, yow should not stay till yow were at the topp off honour, butt our maister is not of that humeur to do things so, butt must haue tyme to be solicited and considerre of matters before he do them, and it must be some new occasion and seruice donne by your selff, wherto God may send the oportunity, that can moove his majesticie so soone after the first to make addition, wherin, as God may send a ground for you, you will industriously take it, and your frends may be also watching by all the means they can to promoove it to your satisfaction. In the meane tyme have a litle pacience and thank God it is as it is. As for the other pairt of your lettred, about the command in the Borders, that is hindered as much by your friends, the great officers there, who to saiffe charges as theye pretend to the kyng, will nott lett it be hearkened too that any man should haue any such particular charge as altogether vunecessary, as they alledge with

great vehemeny. For it hath been tryed by many others who shott at it to have it by way of publicque charge. Butt iff complaunts cum thick to the kyng from the late Borders, I shall not faile to watch for yow, as yow have given me liberty by your lettre, which is likly to be acceptable, iff it must be, to give it to such as will serue for nothing but for honour and credit, rather then those who must be payd for it, and do worse. Thus having assured your lettre particularly, I neid not make solemne protestations that I am, uhat yow are assured of long agoe, your lordships most loving frend and seruand,

Court, 13 October 1633.

When the Marquis of Hamilton and my Lord Roxbrughe cum doun, as theye will do quickly, I desyre yow vse your best means eyther to be acceptable to them both, especially the Marquis, that at least by your cariage yow make none of them your ilwiller, if yow cane not make them your frends. The Marquis is very frendry and constant where he takes.

To my very good lord, my Lord of Johnstoun.

44. LORD WILLIAM HOWARD of Naworth ("Belted Will"), to JAMES, LORD JOHNSTONE—that there was to be a gaol-delivery at Carlile. 9th December 1636.

MY LORD,—Vpon conference with other Englishe commissioners wee conceave itt necessary for his majesties service to holde a gaol delivery, which we haue appointed to bee att Carliell the twelth day of January nexte, wheroft I thought good to advertise your lordshipp, that you may either by your presence, or any direccion from your lordshipp to prosecute any offenders there, further his majesties service, which to showe my selfe forward in I shall bee moste ready; as likewise to expresse my selfe, in what you shall haue occasion att this time or otherwaires, to bee your lordshipps friend and servante,

Naward, December 9th, 1636.

To the right honorable, my very good lorde, the Lorde Jhonston, att Newbie or elsewhere, thes present.

45. THOMAS DACRE, sheriff of Cumberland to [address wanting], as to the delivery of George Graham, a prisoner at Carlisle. 28th March 1638.

MY HONOURABLE LORD,—The true cause of my not deliveringe Georg Graham vpon your lordships first letter, was in respecte I found the warrant which the comissioners lefte with me for the detaineinge and deliveringe of him was expired the day before I received your lordships said letter ; yet notwithstanding, as I wrote to your lordshipp, I keepe him without any other warrant, knowing that my Lord William Howard and the rest of the comissioners were soe carefull that nothing shold be neglected that wold eyther further his majesties service, or to expresse there desire to hold all faire corospondance with your comissioners, wold be a discharge to me, although the prisoner exclaine for a redetaine after his tryall and time lymitted by the comissioners. And haueing now receiued your lordships letter to appointe some time when and where your lordships servants shall receiue the said Georg Graham, I haue this day acquainted Sir Francis Howard therewith, who being to goe to Newcastle to a gaole delivery, to be holden there the 4th of Aprill next, where he saith he shall meeet most of the comissioners that made the order for the said Graham, and vpon acquainting them, will giue me direccions therein, wherupon within 20 dayes I will not fale to giue your lordshipp notice vpon what day your lordshipp shall send for him to Carlile, or else what direccions I haue from the comisioners for him, haueing comand from Sir Francis Howard to keepe him safe in gaole vntill I haue further order for him. Thus with my humble seruice to your lordshipp, I rest, your humble servant.

THOMAS DACRE, Vic. Cumb^r.

Carlile, March xxvijth, 1638.

46. SIR ROBERT GRIERSON of Lag to JAMES, LORD JOHNSTONE—excusing himself for not attending a meeting at Mouswald. 22d January 1639.

MY WERIE HONERABILL LOIRD,—This Tuesday at suppertyme, yow[r] loirdships letter com in my handis, desyring mie to bie att the kirk off Mowsvalld vpon Wednesday to resaif answer off yowr loirdships commissioune, as alls to adverteis Dromelangrig and the rest off the weill affectit gentillmen off the schyre. My lord, the adverteisement being so schort, and the waters so greit, I cowld gett naine adverteisit cowld keip that dyet ; for thes gentillmen quho ar best effectit in owr schyr (I mein theis off Glencairne, Tinrowne and Penpount) liue sum aucht or ten millis aboiffe mie, so they cowld not be adverteisit to bie thair. As alss we haiff ane meiting amongst our selffis at the kirk off Glencairne vpon Thursday bie nyne off clok, to sie how we can moiff the

cuntrie men to by armis, quho are all as yit wnprouidit, and most wnvilling to provyd them selfis. So giff your lordship wald pleis to send your anser thair in wryt, or by sum cowld reportt it richtlie, it wald moiss the peopill most; for I did acquent them that your lordship and Jamis Crichtoun wald bring them the nobillmens anser in everi point, quhilk they expectit to heir thair selfis at your homecuming. My lord, as for my self, I wald haiff cumit, but I cowld not bie from ther meiting wpon Thuursday. So I hoip your lordship will howld me excusit, bot I sall be riddie to attend your direccions, to quhillk tyme I sall ever remaine, yowris lordships luying cusing to serve your lordship,

Lag, 22 off Januari, 1639.

My lord, I wonderit quhen Lowdounis letter come in my handis, for I protest to God I knew not quidder it sowld be sent, except it war till Edinbruche.

To the richt honorabill and his luying cusing, my Loird Johnestoune, thes.

47. CIRCULAR LETTER by the COMMITTEE OF ESTATES to [the COMMITTEE OF WAR FOR DUMFRIESSHIRE?] to raise 760 men for the defence of the country. 15th September 1648. [Copy.]

RICHT HONORABILL AND WORTHIE FREINDIS,—Having found it necessarie for preventing the greit evillis which threatne religioun, king and kingdome, through the persuance of that lait vnhappye ingagement in England by the remander of the armie now returned, and in armes in this kingdome, that forces be raised throughout the whole shires to quenche the intestine combustioun and preserve the vnioun of both kingdomes according to the covenant; we doe heirby requyre yow, as yow tender the publick peace and wish the removeall of these present evillis, that furthwith yow apply your selfes effectuallie to raise the number of four hundredth horss, and the number of thrie hundredth thriescoir footemen, to come vpe to the place of randevous of this our armie, and joyne with thame against Saturday, the 23th of September instant, the horsemen to be weill mounted and provydit with sufficient swordis and pistolis or lances, and the footemen to be armed with good swordis, and tua pairt musquettis, and thrid pairt pyks. And

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that this leavie may be the more speedilie caried on, we haue heirby appoynted Craigdarroch, Caitloch, Major Makburnie, Wamffra, Arkilltoun and Grantoun to repair vnto yow, and haue authorized thame to raise the foirsaid number, and to sie all thingis in ordour thairvnto dewlie performed; and not onlie to quarter vpoun the deficentis, but also to poynd and distreinzie thair readiest goodes and cattell for payment of four hundred merkis for everie horss, and ane hundred poundis for everie footman that sall be wanting of the foirsaid number at the tyme appoynted by and attour thair fullfilling of the premissis. But we doe expect that in such ane exigencie yow will give reall testimonie of your affection to the caus and heartie endeavouris for the peice of the kingdome. The forces of the parliament of England are come to the Bordouris, and now when these of the armie who entered in that lait ingadgement and thair adherents are so active and diligent to disturbe the peice of this kinglome and to infringe the vnion betuixt thir kingdomes, we ought to apply our eair and vtmost power to improve all opportunities to the best advantage, to witnes our desyre to suppres intestine insurrectioun and preserve our vnion with England. Therfor iff thair be any who sall failyie to joyne with our armie at the appoynted tyme, and nocht haue the foirsaid number requyrit of thame in readines, we cannocht but esteeme off and proeid against thame as deserters of the caus and publict enemeis to the peace and weillfair of this church and kingdome; quhair of we desyre yow to tak speciall notice. And so we remaine your affectionat freindes.—Sic subscrribitur, LOUDOUN, Can^{tr}ius. At Falkirk this Fryday, the 15th September 1648.

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48. WILLIAM MURRAY of Broughton to JAMES, EARL OF HARTFELL, on the ill-treatment of a party of Englishmen at Broughton.

Broughtoune, 12th January 1653.

MY LORD,—Foreseeing the inevitable ruine the madness of some foulishe bare younge men ar in all lykliehoud ready to draw upon this whole shyre, I have sent in this gentleman, my freind, James Law, to give your lordship notice of what hath chaunced yesternight and this morning in this bounds, that whatsoever may be the event, your honnour may represent my innocence in the matter to the judge advocat, that I who am innocent bee not involved in their guylt.

Yesternight fourten Englishe men on foot came to John Lawthers in Brochtoun, where they had no sooner taken up lodging, then James Murray and another, whom I knew not, coming after them to the same house, thee Englishe retyred themselves to a litle stone house all night, to whom yesternight about eight of the clocke I directed my servant Enoch, desiring him to aske them wherein they thought I could

be usefull unto them, and if they pleased, that I would gather together some countrey people with such clubbes and staves as they could gett to wayte vpon them, wherewith they seemed to bee very well satisfyed. But this morning by day light they sett foreward on their journey, when immediatly were discovered these two skouting out on a hill head ; and within a half of an houre there appeared five more, who instantly galloped away altogether after the poore men ; but doe my men what they could to dissuade them, sheweing the danger the wold bring there freinds in, there was noe stayeing of them.

While I am a writting this relation to yow, one is presently come to mee, who showes mee that they spoake with them and suffered them to passe on quetyly, because (as they said) they had lodged in my bounds ; but I thinke the treuth is onely because they found they were but an inconsiderable preye. Therefore your lordship wilbe pleased now to doe in this as yow thinke may bee most for the goud of, my lord, your lordships whyle I live,

Wm. MURRAY.

My lord, aifter the writting heirof, we are truly enformed that these foolish men hes hurt one of those poor men, and fearing least it may prove dangerous, I desyre earnestly, my dear lord, yow may be pleaseid to doe heirin with speed so that I may lie in no hazard [from] it, butt show the bussines as it stands truly.

For thee right honnourable thee Earle of Hartfell, these.

49. CAPTAIN JOHN GRIMSDITCH (Grymesdyck) to the COMMITTEE OF DUMFRIESSHIRE,
requiring them to provide a locality for fourscore horse. 15th November 1654.

GENTLEMEN,—I was in hopes to have wayted on you heere att this towne, but since fayling of that conveniency, I thought it requisite to communicate my desires to you by this gentleman, the corronett, that you will be pleased to order a convenient locality, at a reasonable distance, not exceeding 12 miles from the garrison, for foure score horse. And as for my company of foot, which now ly in towne, I shall likewise make it my desire that you will expedite your warrants for convenient localities for fyre and candle: in which you will exceedingly oblige your humble servant,

J. GRYMESDYCK.

Drumfreeze, November 15th [16]54.

For the honorable committee of the county of Nidsdale.

50. JAMES, SECOND EARL OF HARTFELL, to GENERAL GEORGE MONCK, protesting his allegiance against misinforimers. [Copy.]

Kirkmichall, the 15th November 1654.

RIGHT HONOURABLE,—I am exceedingly surprysed to hear of misinformatioun given to your honour of me and my deportments, rendering me, iff belieued, one who keapeth corospondance with the opposers of the present authoritie, and particularly with my Lord Selkirk, it being aldedged one of his servants hath shortly bein at my houss, Newby, which hath proceaded altogether from the malice of the misinformer. For iff my helth could affoord me strentth to atend your honour, I should mak it appear to be only an calumney voyde of treuth ; which restraint I am necessitat to supply by offering my vindicatioun by thes, and doeth declaire my innocencie of ane such clandestine or scurvie action, and that I did not sie aney servant belonging to my Lord Selkirk since his goeing northward, which shall be made out, iff reqyred, vpon my word of honour. And therfor I beg your honour may be pleased to bestow vpon me charitable conjecturis that mens invey doe not prejudice me befor I be suffered to justifie myselff, whieh I am readie to accomplishe when desyred of me, iff what I have declared by this be not acceptable and satisfactorie. For, altho it was my vnexpected conditioun to be misconstruced formerly, and reports holding me furth to Colonell Lilburne as such in ane other caiss, yett I did sufficiently vindicatt myselff, and retorted the misinformers malice vpon them selues ; and ever since and befor hath submited my selff in ane peacable deportment equall with aney in the natioun ; all which for your honours satisfacioun is most ingeniously offered by, right honourable, your honours humble servant (sic subscrifitur),

HARTFELL.

For the Right Honourable Generall Monck.

51. WILLIAM CLARKE, secretary to General Monck, to JAMES, SECOND EARL OF HARTFELL, in reply to the foregoing letter. 24th November 1654.

MY LORD,—I received your lordshippes of the 15th instant, and another therwith to the Generall, who is nott att all distrustfull of your lordshippe as to what is informed concerning the entertayning the Earl of Selkirk's servant, but hath commanded mee to write to the officer from whome hee had the relation to inquire further into itt, rather for your lordshippes vindication then out of jealousie ; and therefore your lordshippe neede nott bee troubled att itt, and may be assured, if there may bee any thinge which

may neerly concerne your lordshippe, you shall have knowledge therof from your lordshippes most humble servant,

WM. CLARKE.

Dalkeith, 24th November 1654.

Earl of Hartfeild.

For the right honourable the Earle of Hartfell these/ att Newby or Kirkmichaell.

- 52. ROBERT, SECOND EARL OF NITHSDALE, JAMES, SECOND EARL OF HARTFELL, and Others, to [address wanting], regarding taking the oath. 5th February 1655. [Copy.]**

RIGHT HONOURABLE,—In obedience to your lordshipps commission and instructions we haue mett and accepted the oath for the more cleare discharge of our dutie for the preseruacion of the peace and well of this contrey and commonwealth. But soe it is that seuerall nominated and apointed justices in this shire are not soe cleare to take the said oath at our first meeting, but haue desired a furder day to consider therin, which we humbly conceiue could not welbe refused them; therfor haue sett apart Twesday, the nyntenth of this instant, to receiue them, and with Gods assistance, both now and hereafter, shall endeavour to manifest ourselves to be,—Your lordshipps faithfull servants,

Sic scribitur,	NITHSDAILE, HARTFELL. LAGG, JOHN GRIMSDITCH, WILLIAM GREENE.	}	EARLES.
			KNIGHT. ESQUIRES.

Dumfrize, Fabruarii the 5th, 1655.

This is a true copie taken furth of the record,

per WILLM. WILSON, Clr. P.

- 53. ROBERT, SECOND EARL OF NITHSDALE, and Others, Justices of the Peace, to JAMES CRICTON, Sheriff of Dumfries, as to arrangements for taking of the Oath.**

Drumfreis, 4 March 1656.

MUTCH HONORED,—We vndersubscreibers haue sent yow ane coppei of the letter sent frome the Earls of Nithsdale and Hartfell, and the rest of the justicis, who then had accepted that imployment with Captain Grein to his heines counsell, but it seims it has

not bein delyvered. We entreat yow present this other to the cuncel seinged by al of us whoe could meat this day by reasone of the waters. Be pleased to informe the councel that the first dayct wes keiped, and that several of thes who wer not clair to accept the first day hes embraced this day, and that we haue apointed Teusday the elueth of the current to receaue the last anser of thes which hes not taken the oath, efter which the cuncel shal receaue ane clair account who refusis, and what progres we haue mead in obedieue of ther comistione. In the mean tyme we beseich yow studei to prevent anei new comistione to Captain Grein whil we be hard, for we ar informed he is puting in for ane comistione to hold malt courts. Sir, what paines yow shal be pleased to take in this wil evidenc your respect to the cuntrei, and to, sir, your real freinds and servands,

R. NITHISDAILL.

J. GRYMESDYCK.

LAG.

CRAIGDARROCHE.

J. CRAFURDSTOUN.

THOMAS FERGUSONE.

Ester yow haue read the cuncels letter, seal it.

For our honored freind, James Chrichtoun, sheryfe of Drumfreis, or in his absenc, to Hew Sinclar, thes.

54. LADY JANE DOUGLAS, Countess of JAMES, THIRD EARL OF HOME, to JAMES, FIRST EARL OF ANNANDALE AND HARTFELL, sending him a paper to sign.
17th November 1670.

MY LORD,—My sone Home left some papers with my Lord Mordingtoun for you to subscriue, and expected it had been done long befor this, but when we lookt to haue got them subscriued we find them as they were deliuerd to him. Mordingtoun pretends you scruple at that concerning Parks aprising, which is now ia the Laird of Aitons hands, so that my sone intends not to pres that till Sir Robert Sinclaire shal testyfie to you how much it concerns both your lordship and my sone and me to be masters of that aprising. But this other paper we are confident you will not scruple the signing of it, so that I haue sent this bearer expresly to your lordship to get your hand to it, which I doe not dout but your lordship will doe, knowing your kindnes to this family, and it shall be all our studys to be faithful seruants to you, and that you may neuer sufer upon our acount shal be our main designe, and so I shal trouble you no further, but subscriue my selfe, my lord, your lordships most humble seruant, JANE DOUGLAS.

Hirsel, 17 November 1670.

For the right honourable the Earle of Annandaile, these.

55. LETTER [writer unknown, and without address] relating the confessions of a French spy in England.

London, 27th February 168 $\frac{2}{3}$.

I COWLD relate severall petty things worth remarque preceidng the date herof, but haveing such an eminent matter to wryt, I wave them and fall to it, quhich shall thus follow. One Albert Sheldon (for so 'tis said he calls himself), notorious enowgh here, haveing latly come from France to fyle (as he pretended) the persecutione of the protestants there, and haveing stayed some tyme here under that notione, and received the ordinary pairet of the contrabutions in the French church as such, on Saturday last came to his grace the Duke of Ormond, and made his discovery to this purpose—That he was a Frenchman by birth, but by blood an Englishman, his parants both being of that nation, and haveing been breed vp in and about the French cowrt for a long tyme, he was at last admitted into the service of Monsieur Colbert, whom he served for the space of 3 years, at the terminacione of quhich he was received into thee service of Monsieur Louvoy, who, finding him of an accut witt and pregnant braine, communicated things to him, etc., at quhich tyme he then was his secretary. And one day being in privat discourse, the said Monsieur Louvoy told him that he was resolved to send him for England, and that vnder clock of religion too, for he most feigne himself a protestant (notwithstanding his educatione was popish), and under that pretence work his designes in England, etc. He sayes he askt him quhat his designes ther wer, for that he knew English verry well, being taught by his parants. Haveing taken his oath of secrecy, he told him that the king, his master, wold advance him highly if he wold worke his aimes, etc. He told he wold do his endevour, withall sweareing secrecy. Vpon this he was brought to the king, who was then at Varsaills, wher he received his enjunctiones and instructiones quhat to do, etc. The first was that he out of pretence of persecutione should insinuat himself into the company and secrets both of cowrt and cowntrie, takeing to his assistance another distrest protestant named Jaen d Luz, a notorius Jesuit, with whose help he should not fail once a week to give an account of all quhat passed. That whill the one wer att cowrt, the other should be in the cowntrie surveyeing the places of strength, takeing notice of the power of the garisons and quhat places were fittest for his majesties behove in makeing an invasione; and that likewise he had sent two of the only mathamaticiens in France to survey the cowntrie of Ireland, where he wold make his first attempt, haveing ther the hearts and promises of the peopell to assist him and stand by him for the reestablishing of religion. That then his majestie had in all his ports readie sufficient shiping for such a designe, who wer

given out for the warrs against Algeirs, and who wold bee ready vpon his notice given to work their intended designe. That his majeste, on the successe of his endeavours, should creat him an Irish earle or Frene count, and give him an estate suitable to that grandeur in either kingdome he pleased, etc. Haveing received this with an oath of secrecy, he was sent full fraught with money to England, wher he not long remained then that 7 others of his retarny wer sent after him, who wer in the kingdome of Ireland whill he remaned about cowrt to give informatione to both hands of quhat passed : that these severall weekes he hath remaned here as such, and produced letters under Colbert and Louvoys hands for quhat he did, and told them that now the French king was ready to put to sea, and, if not prevented, it wold worke the utter ruine of Ireland, the natives and the French king haveing agreed to expell the English and Scots out of that kingdome, quich they resolved to do by the midle of Aprill. This is a pert of quhat we heve here yet brocht, but ther is much more of it quich he sayes his conscience and the love to his countrie hes oblidged him to discover without hope of reward. The Duke of Ormond communicated this to the king and councill, who in pairet took but slight with it, yet how[ev]er wrtit to the Earle of Arran expresse for the reinforcing the wholl garisons in Ireland, especialy maretim places. This hath so alarmed peopell here that they are in great consternatione, seeing eminent ruine aproacheing and no measures taken to prevent it. They are now thinking on the 2d adressed for a parliament. What will be the event, the allone God Almighty knowes.

56. WILLIAM, EARL OF ANNANDALE, to [the LORD CHANCELLOR], giving a report of the proceedings of the commissioners and heritors, etc., of the shire of Dumfries at their meeting. 29th June 1688. [Copy.]

MAY it please your lordship,—The commissioners, justices of the peace, freholders, and heritors of the shire of Drumfries and stewartrie of Annandale, being (in obedience to the comand of his majesties most honourable privie counsell) this day conveined with a cheirfull readiness to contribute evin ther outmost endeavores in his majesties service, floweing from the clear convictiones of these happy inflowences they owe to his majesties most benigne reigne, and having first called Mr. George Campbell, Mr. Franscis Irving, and Mr. William Mcmillan, indulged preachers (ther being noe uther within the jurisdictione soe far as the meiting was informed), they craved to be excused from sitting, acting or advyseing, and gave in ther supicatione to that effect, which was ordered by them to be signed, and (being inclosed) is left to the judgment

of his majesties most honourable privie counsel. And thereafter (for avoyding of that confusione and disorder which did threaten soe numerous a meiting) the commissioners, justices of the peace, and heritors forsaid, with comon consent thought fitt to resolve themselves into a comittie of tuentie, being fyve for each of the four presbitries within the said shyre and stewartrie, to witt, Drumfreis, Penpunt, Lochmaben and Midlebie ; and the said fyve for each presbitry, haveing by warrand and consent forsaid mett with the heretors within ther said respective presbitries, and haveing at large conferred with them annent the particulars in the counsells letter, which was openly and distinctly red to all of them ; they all unanimously declaired that they knew not of any persone within the said shyre or stewartrie, or ells wher, that was present at that late rebellious assassinatione within the shyre of Air (soe far are they from haveing resett any of them). And as they had not themselves, soe they declared they knew of noe uthers that had resett them, nor any uther rebels, nor cherished, advySED, abetted or assisted them, nor that they knew not of any feild conventicles laitly kepted within these bounds, nor any uther place in the countrey, nor knew not any that laitly haunted these feild meitings; and for the humor and temper of the people, they judged them, to ther opinion, peaceible, and the peace of the countrey secure. And in this all the saids heritors of the said shyre and stewartrie did unanimously agree, not only being conveined severally with the heritors of the respective presbitries, but at fuill meiting did abyde at quhat they had formerly declaired ; only James Johnstone of Corhead did informe that two fellowes of the surname of Reidfoord, his oun tennents in the roume called the Park, in the paroch of , were justly suspected in haunting feild conventicles (supposed to be keeped some place about Craufurdmuire in Cliddsdaili), by reasone they were sometyme knoun to be a considerable tyme absent from ther oun housses at once, wheroft the heritors made present intimatioune to the commanding oficer at Drumfres, and desyred they might be imediately apprehended. As the said heritors have with all cordiall alacritie given this small prooфе of their obedience, soe they will ever be in readiness when his majesties service shall requyre, and his honourable privie counsell comand ; and have commissionated the Erle of Annandale (elected preces of the meiting) to give this accompt of ther dilligence to your lordship, and to subscryve the same [in name of the rest of the heritors]. This by warrand forsaid is signed by, my lord, your lordships most humble servant, sic subscrifitur,

ANNANDALE.

Drumfres, 29 Junij 1688.

57. PETITION of FRANCIS IRVING, GEORGE CAMPBELL, and WILLIAM M' MILLAN,
Presbyterian Ministers, to WILLIAM, EARL OF ANNANDALE, and the other
Heritors of Nithsdale, to be relieved from attending at criminal courts. 1688.

UNTO the right honourable the Earle of Annandale, and to the rest of the gentlemen
and heritors of the shyre of Nithsdaill and stewertry of Annandale now
mett at Drumfreis by order of his majesties most honourable privie counsell.

The petitione of Mr. Franscis Irving, Mr. George Campbell, and Mr. William Mckmillane,
ministers of the Presbyterian perswasione, within the shereflome of Drumfreis,
Humbly sheweth,

That the gospell ministry being of such ane nature that they who are invested with it
should be seperate from other employes which may avocate them from a close attendance
therupon, but especially from such as pertinge upon criminall and capitall maters, in
which even these church men who stand not aloofe from all civill places think it not
convenient to medle ; and considering lykewyse that we ought to imitate our Lord, who
refusid to judge in seculiar asfairs, and the exemplcs alsoe of the apostles of Christ, who
declaireid it to be improper for them to be taken up with serving of tables, and therfor
deacons were institute, that soe the apostles, though extraordinary persons in respect of
ther office, call therto and qualificationes for the same, might give themselves wholly to
the word and prayer, and how much more necessary is it for ordinary ministers that
they be abstract from entanglements, considering the necessity they are under to be much
in reading and other exercises fitting them for ther work : Upon all these consideraciones,
and out of noe dispyte to the royll authoritie of his sacred majestie (the character of
whose office we have in dew veneratione), we cannot but think, and doe humbly expect,
that your lordship will judge that our sitting and consulting with yow in the maters
now under consideracione is a thing very improper to us and unsuitable to our office.
As for these murthering principalls and practices which some, to the great scandell of
religione are guilty of, we utterly dissoun, detest and abhorre, and upon every occasione
give our testimony against all such [barba]rus and wicked practices, and we are lyke-
wayes free to declaire that the people of our interest and inspectione in thir bounds, soe
farr as we know, are opposite to all such extravagant and pernicious courses, which it
is hoped your lordship will judge sufficient from us as to what can be demanded of us
in obedience to the councells letter.

May it therfor please your lordship and the rest of the gentlemen and heretours to
accept of this ou[r declaratione as] sufficient for . . . and to [exeem] us
from any further necessity of attending upon the coursts, and that you] may

be pleased to give ane favorable representacione of us to his majesties privie counsell, and your petitioner shall ever pray, etc. Sic subscrifit,

FRAN: IRVING, GEO: CAMPBELL, W. McMILLANE.

Indorsed : Double, petitione the presbyterian ministers within the shyre of Drumfreis to the noblemen, gentlemen and uther heritours therof. 1688.

58. MILITARY ORDER by MAJOR-GENERAL HUGH MACKAY, to deliver to WILLIAM, EARL OF ANNANDALE, a detachment of horse on demand. 8th May 1689.

YOU are required to give five and twentie or thirty hors to the Earle of Annandaile vpon his lordships demande, for the executing of what orders the said earle shall give them for his majesties service and the securing of the peace of the borders of this kingdom, with officers conforme. Given at Elgin, in the north of Scotland, the 8th May 1689.

H. MACKAY.

For his majesties service, to the officer commanding in chief, Colonel Langtowns regement of hors, lying at Carlile.

59. THE HIGHLAND CLANS to MAJOR-GENERAL MACKAY, declining his invitation, and disowning King William the Third. [Copy.]

Birss, 17 August 1689.

SIR,—We received yours from Strathboggie, and we saw that ye wrot to Briggadeer Cannon from St. Johnstoune, to which he gave a civill returne, for by telling that yow support yourselves by fictions and stories (is a thing knownen all the world over) is no raileing.

The Christian means (as yow say in your last) yow make use of to advance your good cause by, is evident to all the world, and the argument yow use to move us to address to your government is consequentiall to the wholl. For in staide of telling us what Christians, men of honour, good subjects, and good neighbours ought to doe, yow tell us in both your letters that his majestie hath hott warres in Ireland, and cannot in haist come to us, which, though it wer true, as we know it is not, is only ane argument from safety and interest. And that yow may know the sentiments of men of honour, we declare to yow and all the world, wee scorne your usurper and the indemnities of his government; and to saive your further trowble by your frequent invitationes, wee assure yow that wee ar satisfied our king take his owne tyme and way to mannage his dominiones and punnish his rebels: And although he should send no assistance to us at all, wee will all dye with our swords in our hands, before we faile in our loyalty and sworne allegiance to our soveraigne.

Judge then what effect Duke Hamilton's letter hes upon us. But yow have gott ane honourable father for this story from Ireland. And although we can better tell yow how maters goe in Ireland, and that we pittie those on whom such stories have influence, yet since we have no ordours to offer conditiones to any rebells, wee allow yow and his grace to beleeve on, and take your measures by your success, till his majesties furder orders.

Sir, we thank yow for the good meaning of your invitatione (though we ar confident yow hade no hopes of success), and we will shortly indeavour to give yow a requisiteall, and those of us who live in islands have alreadie seen and defyed the Prince of Orange his friggots. We ar, Sir, your affectionat and humble servants, sic subscribur,

ALEXR. McLEAN.

JOHN CAMERON.

JOHN FARQUHARSON.

A. McLEAN of Lochbuy.

D. McDONNALD, Banbecula.

R. McNEILL of Barra.

D. McNEILL.

RORIE McDONNALD.

A. McLEANE.

SIR EWIN CAMERON of Lochzeald.

DONNALD McDONNALD.

JOHN GRANT of Balndallach.

PATRICK STEWART of Bellachen.

J. McNAUGHTEN.

ALEXANDER McDONALD.

A. MACKNAUGHTEN.

JAMES McDONNALD.

We have returned your letter from Duke Hamilton because yow will have more use for it then wee.

60. WILLIAM, EARL OF ANNANDALE, to [SIR PATRICK HUME of Polwarth],
with an address.¹

Edinburgh, the 4th of September [16]89.

SIR,—I have hear sent you the address. All the hands wee could procure were my Lord Torphichens and Rutherfoords. I could nott att this tyme have the doubles off those two letters you desired, butt by my nixt you shall have them. My Lord Morton beeng the onlie man off qualittie nou att London who hes subscribed this address, I think you wold take him with annie other off our friends that ar therre allongst with you in the deliverie off itt. Butt off this you will judge best when upon the place. I shall long anxiouslie untill I hear from you, for that both this publick and your own privat affars succed is the great concerne and heartie wish off, your ever faithfull friend and humble servant,

ANNANDALE.

I give my service to all friends at Huttonhall. I resolve to woritte to you by the Thursdays post, and send you the doubles off those letters conforme to the address you gave me.

¹ Original in Marchmont Charter-chest.

61. SIR JOHN DALRYMPLE, afterwards FIRST EARL OF STAIR, to SIR THOMAS LIVINGSTONE, Commander-in-Chief in Scotland, aient the appointment of the Lieutenant-Governor of Inverlochy.

London, April 28th, 1691.

SIR,—I hav communicat the contents of your last to the king. His majesty promises to send down som ammunition and armes with the first occasion from this, bot he thinks ther is no good account of very many that he hath formerly sent, besid what wer in the magazins at the revolution. Bot yow will say nothing of this matter, least it make the commissions to Holland go on the mor slowly.

You hav never mentioned uhom yow think fitt for liftenant governor of Innerlochy. Its easy to find uho ar not fitt, bot really I am not ueill satisfyed uho will ansuer all the requisits for that post. Hovever, I think shortly it shall be suplyed without that person I understand yow point at. The letter yow sent me som tim ago is fallen by my hands in our removalls. Therfor I desir yow may with the first lett me hav a list of the persons yow desir commissions for, and the office yow desing them.

The king is informed yow intend to send a considerable detached party to join with som from Colonel Hill of the garison of Innerlochy, to attaque the hylanders, uho ar at present quiett. I told his majesty I had no insinuation of that from yow. He ordered me to writh to yow not to medle with them at present, so long as they uer quiett, for yow know how litle the treasury can spair for any utrick or incident charges, in caice they should draw to a considerable body and oblige our army to com togither to observ them or reduce them. I can not beleiv the treasury will medle to invert that fond allocat by contract to Binny for payment of the armys subsistance. The king hath given no such allowanc.

[I am litle] versed in the martiall laws, bot I am sur in all tims the faults of the souldiers hath bein punished by a martiall court; and by the kirgs letter to the counsell in Februari last he appoints exact disciplin to be keep, and the souldiery punished according to the rules of war. Uhat thes ar or uher to be had I know not, bot yow will easly find them out by inquiring att any souldier of old standing; and if you think they need to be confirmed or of new singned by the king, transmitt a double to me, uho am ready on all occasions to make yow such returns as yow can expect from, sir, your most humble servant,

JO. DALRYMPLE.

For Sir Thomas Livingstoun, commander-in-cheif of his majestys forces in Scotland.

62. THE SAME TO THE SAME—Measures for suppressing the highlanders.

London, May 4, 1691.

SIR,—I hav seen the double of the committys letter to the king. I am sorry ther sentiments and his jump so litle, for I must conclud they wold not hav concealed from the king any advantages they had reason to expect from that measur presently. Sir, the king hath a very good opinion of your qualifcations and affection for his service, and tho it [is] certain yow must take orders from the counsell, and the committys commands ar sufficient to exoner yow, yett bein of the number, and in your oun trad, yow must use mor freedom as to uhat concerns the army and the manadgment of the war, in uwhich, tho yow hav bot one vote, yett your skill and trust goes farder: and, therfor, in uhat yow do not oppose nor advertize us of your sentiments, we must conclud uhen yow concur and singn the orders with the rest, that yow approv the measurs. The king inclins extreamly to oversee bypast faults, and not to fright any considerable party of men from comming softly to ther deuty and his obediene. Its plain yow ar in condition to raise the hylanders who are at present quiett, and to giv them a pretext to fall doun in bodys and cary eatell from the lowlands now when ther grass is up to sustean them; bot uhether yow ar in condition to supress them, and hav mony, ammunition and vivers to maintain the army if brought together, that yow knov best; and if ue may trust the accounts cam laitly from yow, ther is no fonds, either of mony or provisions for the month, or ammunition in the kingdom, not to speak of the inconveniency to fore thes lavles people to call from help from abroad. If it pleas God to giv succes to the projects now on foot to straitn Franc, then mor may be thought fitt to attempt upon the hylanders uhen the ammunition yow expect som months henc can be with yow. In the meantim ther ar severall surmises that the troops ar not compleit and effectuall uhat they ought to be. The king, by the granting of uhat yow demanded for the regiment, hath given yow evidenc of the distinguishing respect he hath for yow. Bot I did say to Sir William Douglas, and I believ yow will think it proper not to say too much of it, becaus the other regiments of dragoons, laitly reduced from horse, will be the mor uneasy that any injoy favors they want. Sir, sinc the king trusts yow, act according to your sentiments for the good of his service. I do not believ any will hav the interest to hav yow mistaken, and upon all occasions yow may reckon I will be ready to do yow justice as, sir, your most humble servant,

JO. DALRYMPLE.

For Sir Thomas Livingstoun, commander-in-cheif of ther majestys forces in Scotland.

63. THE SAME TO THE SAME—The proposed proceedings against the highlanders
and islanders.

London, May 6th, 1691.

SIR,—Your last confirmed me in the ill newes of that misfortun of my Lord Newbatle. I beleiv his father knowes nothing of it, nor do I hear of the circumstances of the matter or whither my lord will be so criminall as that he can not continuow in that station. If he should demitt, it wold facilitat uhat yow propose to me, for I confess I am not frank to be suddent to mov any thing he or his fathers son may be concerned in. Bot I may hav the good fortun to hear mor from yow befor I can reach the king; and I do aggrey it may do as weill for the regiment to be join'd, and the king will sav som officers. Bot ther must be tuo majors in that caice, of which Hill will be on. I do not remember who is ther major presently. For the other particulars that concernd the regiment yow hav gotten satisfaction, which needs not be much talked of. Its enuch yow injoy it. I am trubled about our freind Belheaven. He thinks he was neglected in the last modelling of the troopes, and he beleives he aught not to own a troop of dragoons, bot wold hav it givin to his son. Yow know how difficult this wold be to procur from the king, and of what consequenc such a preparativ might be to disable the whol army. I intreat yow to use the interest yow hav with him to content him in this point, or if yow think the other advisable, that I may hav your recommendation for it. The wind hath bein cross, bot the three frigotts ar gon towards yow. Consider whither it will be best that the hylanders be not medled with, bot that the ilanders may be brought to obedienc by the help of the ships, or whither they be all of a peice, so as sturing any puts all in commotion, in which caice the king will not allow them to be medle with. I shall indeavour to knov his pleasur whither the islands may be touched by a party put aboard the frigotts or not, and I will expect to hear from yow whither that may ingadg all the clans to draw to arms. That depends so much on the circumstances that on at distanc can not make any sur judgment of it. I hav reason to beleiv Colonel Hill apprehends it might hav ill consequences, bot yow may knov it better.—I am, sir, your most humble servant,

JO. DALRYMPLE.

For Sir Thomas Livingstoun, commander-in-cheif of ther majestys forces in Scotland.

64. SIR WILLIAM HAMILTON of Whitelaw to WILLIAM, EARL OF ANNANDALE—The Bass and the Laird of Garletoun.

9th July [1691].

MY LORD,—I hope your lordship will pardon me not wryting with Twesdayes post, being post night lykewayes for Holland. The Bass stands out, and it is thought that four men who stayed about that coast severall weeks, and were severall tymes in Gairlounes house, went in with his boat to the Bass, for both they and the boat hes been a missing since. Some of them spoke French and some Englishe. He payed their charges and the expenss of their loidgeing and dyet the night before the Bass wes surprysed. Gairletoun is in prisone, but will confess nothing. There did not land 4 ships in the Isle of Sky, but on merchant ship with flowre, brandie, a few barrolls of powder in the isle of Donallin, and the provision putt in the Earl of Seaforths house. Collonel Hill wryts that litle supplie, and the Earl of Broadalbanes his negotiating hindres severalls to come under oathes to the governement. My last from Edinburgh bears that Sir Thomas Levingston will march in a few dayes. It is of the 2d instant. A frigot sent downe to cruise upon the Scots coasts went in to the mouth of Clyde and troubled the merchant ships, and did not follow or wait on the French capers when advertised, is sent for upon the secretaries speaking to the queen of it. M^r Millane, the smith who killed Bargaton, hes got a reptyve from the councell upon a letter from the secretarie at the queens commands, after she referred the petition gevin be M^r Millanes wife to be considered by her attorney-generall, and had his report that he thought it not murder and that it wes his oppinion her majestie should give a reptyve. The dissaffected in Innernes would not suffer the presbyterian minister to preach who wes appoynted by the conission. The councell hes ordered the sentence of the comission to be putt to execution, and the magistrates to sie it done. Pardon the blots of this hastied line. I can adde nothing to the newes of this kingdome but what is in the gazet. No accompt of the fleets. Sir William Lockhart will not suffer the kirk to have ane agent. He sent a fleeing pacquet directed by himself to the Earl of Notingham.—I am, your lordships humble and obedient servant,

WIL. HAMILTON.

I give my humble service to the Earl of Sutherland.

The Earl of Perth is by vote of councell to be transported from Stirling to Dalkeith, he finding baill and giveing his paroll of honour as in the councells order, and that notwithstanding the Countess of Crawfords petition to the contrare, untill he would gett the Earl of Wigton and his brother out of France. But his lordship will not owne the governement so much as comply with the conditiones in the order which your lordship may expect per nixt.

Earl Annandale.

65. LETTER, without signature or address, probably to WILLIAM, EARL OF ANNANDALE,
—General Ginkel, near Athlone.

14 July [16]91.

MY LORD,—The takeing of Athlone came on Sunday 7 night, so the then next Munday's Gazett would be with you so soon as I could write, since the certainty of Smyrna fleets arrival was never come till last night, and this morning the Lord Justice Porter, and lord chancellour there, by his letter of the 9th instant, gives a full account of the Smyrna fleets safety at Kinsale, and that it intends straight for this river. He also writtes that the packet boats and other vessells that arryved at Dublin Bay declare they hard at sea, on the 7th and 8th instant, great shooting and broadsydes, believed to be the engadgement of the two royll fleets of England and France. God give us success, and its hoped the 20 men of warr, the convoy of the Smyrna fleet, with the whole seamen of that fleet, will come seasonable to reinforce our navy, tho its hoped they would not need their help. Our kings army at Athlon, on the 5th instant, encamped 6 myles (half way towards the Irish camp), and that our generall, Ginkle, had preppared all things for a field battle, quhich he was resolvied to offer if they would accept of it; if refused, thorafter he knew the countenance of the enemy, their resolutions, and the posture they were in, he would call a councill of warr, and accordingly proceed either to force their entrenchments or go on to Gallow as they have cause. God direct and prosper them. Its said the Spanish ambassadour here hath gott letters bearing that the Land Grave of Hess, with 30,000 men, have invested Charleville very opportunly; the most of its garison was put into Dinant. There are also letters from Ireland say that Galloway is capitulating with our generall. Our king, the king of Spaine, the states generall, and the princes of Germany, have represented to the emperor of Germany the necessity of making a peace with the Turks at so favourable a juncture, and to iuforce his application they have expressly told the emperor that, if he slightes or loses this opportunity, they will forsake him by withdrawing all their forces in Hungary, and will doe for themselves, etc.

66. [SIR WILLIAM HAMILTON, of Whitelaw,] to WILLIAM, EARL OF ANNANDALE,—
The conforming ministers, and proceedings of the Privy Council of Scotland.
30th July [1691].

MY LORD,—I have nothing to addle since my last, but that the Earl of Perth is out of prison, upon his parroll to live peaceable under the governement, and giveing baill to act nothing prejudiciale, which is not subscryved by himselfe, as I am informed. The

comission of the kirk receaved 3 of the conforme ministers. There are 9 or 10 more receaved in other places, but they refuised these that sent their petition by two of their number, as your lordship will perceave by the coppie of the act of the comission inclosed herein. I can learne nothing of the two fleets of war. The privateers from Dunkirk burned a gentillmans house of Northumberland. The governour of Bervick haveing advertised the councell of Scotland therof, and that they were sailed north abowt, the councell ordered a boat to goe and discover where they are, or which way they went ; they stole out of Dunkirk ; some shippes are after them. I beleive your lordship will be returneing to Loundoun, if good company doe not detaine yow. Your saife returne is wished by, my lord, your lordship's humble servant.

The privie councell,

Hes repelled that part of the sentence against Mr. Ramsay, minister, which banished him from Edinburgh.

Hes recalled the order ordaineing their majesties solicitor, and the solicitor for the kirk, to raise lybells against the lait Dean of Dumblane, and Mr. Gordoun, minister att Aberdeen. But being informed the dean does exercise his ministrie notwithstanding of the councts order dischairgeing him, hes ordered the solicitor to persew him for that cryme.

Hes ordained the clarks of councell to give up to Gairletounes brother his former band, and to receave a new band be Arthur Seaton; sone to the Viscount of Kingstoun, that he shall live peaceable, and appear when called.

Sir William Lockhart his paper wes accorded to this purpose, that suits and processes in publct affaires are to be in the solicitors names, but where private persones or societies are prejudged, they are to concurr and be joyned.

30 July, Earl Annandale.

67. LETTER, unsigned, to WILLIAM, EARL OF ANNANDALE, as to military movements in Ieland and on the Continent. 1st August [16]91.

MY LORD,—Ane express from Ireland sayes that Generall Ginkle hath put into Galloway 3 regiments, and that 4000 of the Irish that were there marched to Lymbrick. Their maiesties army is on their march to Lymbrick, Sassefield and his troops being about that towne. The Dutch maile is also come ; both the armies conatinued as befor, but that Generall Flyming and the troops of Leidge wer joyned, or very near our kings army. The postscript of the letters say that the next morning our king was to decampe, or to attacque the enemy (the first is rather beleived then the last). Monsieur Cattinat hath repassed the Poe. Its confirmed the Prince of Savoy fell on his rear as befor in my last. Great differences are on foot amongst the

Turkes, some being for a third brother (Achmatt, I thinke they call him), while the military men are for the nephew to be made emperor. I wish these delayes may continue as long as those in the conclave. I dowbt not yow know the newes at home, as my Lord Dartmouth is in the tower, Captain Crone absents himselfe, and the Barbadoes fleet is certainly taken by the French with their convoy, as the French privateer (that is taken) sayes. An express from Scotland this morning signyfies the highlanders have brock the truce.

1 August 91, Saturday.

For the right honourable the Earl of Annandale at Bath; thes.

68. LETTER, unsigned, to WILLIAM, EARL OF ANNANDALE, as to the campaigns
in Scotland and Flanders. 3d August 1691.

MY LORD,—The enclosed was sent upon Thursdays night to the post office with the box, but was brough[t] back because the maill was seall'd up, since which time we have account from Scotland that the Master of Stair has wrott to Sir Thomas Livingstone, as commander-in-cheiff, that the king expects he marched and encamped the forces near the border of the highlands, and does now require him to continue them till furder order, but they are not marcht as yet, has only acquainted the queen therwith. The king being resolv'd to fight the enemy in Flanders, did sitt some time under a tree when he was vewing them, and within less than two minuts after he rose a canon ball shot from the enemies camp lighted where he had been sitting. The wagons for the artillery being togither, wherof each contain'd a barrell of powder and 25 bombs, 2 bombs were fired, which made a great noise, and a kindled match was found in the third bomb, but some stout fellowes drew the wagon from amongst the rest and quenched the bomb. Ther was great hazard that the wholl ammunition and bombs for the artillery had bein lost, and so the artillery made useless.—Your lordships servitor.

3 August 1691.

For the Earle of Annandale, at the Bath, near Bristol.

69. [SIR WILLIAM HAMILTON of Whitelaw] to WILLIAM, EARL OF ANNANDALE—
Outrage by Stewart of Appin, etc. 6th August [1691].

MY LORD,—I pray your lordship to pardon my omitting the last post. Your lordship had accompt that Stewart of Appines men, being wounded by one of Colonell Hills

men, who were bringing some provision to the gariesone of Fort-William, vpon a private scutfill or quarrell, Appine followed Hills men with two birleines full of armed men, brought bak Hills souldier who gave the wounde, and committed some other small abuses, and therevpon wrot to Colonell Hill that he would keep his man untill he gott satisfaction. After some letters past back and forward, Colonell Hill sent a partie of 400 men with his major, and brought away his owne man, the laird of Appine, and severall other gentillmen, and brought them prisoners to Fort-William. The councell ordered them to be brought to Glesgow for there better accommodation ; but beleive it, they will be putt to libertie.

The Duik of Linster having gott a comission to be comander-in-cheif of the forces in Scotland, sent doune ane order to Sir Thomas Levingston not to march or incamp the troupes neir to the highlands, which being showne to the councell, they recalled their order to Sir Thomas for marching and incampeing as aforsaid according to the kings letter to them.

The Earl of Braidalbanes negotiation with the highlanders, whereof the cessation is a paire, wes by the kings comand and the Duik of Linsters order to Sir Thomas by the queens direction.

The French letters taken comeing from Dover are not as yitt soe deciphered as to make a full discoverie of plott or personnes.

The report run yesterday that my Lord Prestoun wes putt in Newgate.

Navele Payne hes the libertie of the castle, as othe[r] prisoners, by the councells order. The bischop of Glesgow to goe under guard to Collingtoun to see his lady who is sick, and no herring boats must goe within a myle and a halfe of the Bass.—Your lordships humble and obedient servant.

I am just now informed that Ogillthorpe is taken and putt in Newgate.

6 August.

Earl Annandale.

70. [ALEXANDER JOHNSTONE, brother of Secretary Johnstone], to WILLIAM, EARL OF ANNANDALE—The King in Flanders. 7th August 1691.

MY LORD,—The letters from Flanders say that the Duke of Luxemburgh decamped after our king did the like. Soe both the aruyes were not only in sight of each other, but in a maner there was noe distance. This cawsed our king to resolve to attaque them nixt morning. Accordingly all things were ordered, but the day appearing, our king found a river, defiles, morrasses, tuixt the two armys. Soe he

fund it not advisable to venture a batle on such uneven tearms. The Duke of Luxemburgh hath since encamped soe advantagiously that both he hath abundance of all sort of supplyes, and alsoe he covers Mons, Dinant, etc., which makes me think there will be noe batle there this season. Two bombs were fired sudainly, they say accidentally, in our kings camp, which allarm'd the whole armye. Noe mischeife followed. Some letters say they found a lighted match near the place, and that two persons were seized on suspition of treachery, this thing hapning midst our maggazine of ammunition, bombs, etc. The letters from Dublin this day say that our armye, with all their battering-cannon bombs, would be before Limerick on Wensday last. God give them success. The Irish have destroyed all the forrage near Limerick. I doe not yet find they are inclinable to submitt on the tearms Gallaway gotte, which I look on as an infatuation on that bigott people. An express is said to be goen to Scotland to liberate Stewart of Appin and other highlanders Collonell Hill took. Its thought Captain Cron that was latly pardoned absconds. My Lord Preston hath brought his habeas corpus. I think he will be remanded to prison. Its said Sir C. Shovell hath stranded a French frigott near Brest. We have lost an East India ship in India. Two French ships hapned near. They killed the poor creatures as they were swimming to them for shelter—a barbarous inhumanity.

7 August [16]91.

For the right honorable the Earle of Annandaile at Bath.

71. COLONEL JOHN HILL to WILLIAM, EARL OF ANNANDALE—He proposes to go to Edinburgh as soon as possible. 30th May 1692.

MY LORD,—I haue your lordships order of the 23d of this moneth, to which I shall giue all ready obedience, takeing only two dayes to settle affaires, and giue the necessary orders (Lieutenant-Colonell Jackson beinge a stranger here). I shall bringe such of the officers as are upon the place, many of them beinge abroad aboute getting up reeruites. The person (that by the major-generalls order was appoynted to command the partie that went at that tyme to Glenco, and comanded the whoil) is Lieutenant-Colonell James Hamilton, who, I hear, is now in Ireland. I resolute (if God please) to sett out betymes, on Monday morning, and to be at Edinburgh assoone as possibly I can, who am, my lord, your lordships most humble and obedient servant,

JO. HILL.

Fort-William, 30th of May 92.

72. [ALEXANDER JOHNSTONE, brother of James Johnstone, Secretary of State,] to WILLIAM, EARL OF ANNANDALE,—The king's rebuff to Tarbat and Breadalbane, etc. 25th October 1692.

MY LORD,—Its a great while since wee had any news except the kings arrivall. I hope the Gazetts are constantly sent to you by Breastmill in Signett office, as I deraected often. I doubt not you have heared of my Lords Tarbett and Broadalbions suddaine journey to court, wherein it seems they made more haste then speed, for on Saturday the king commanded them back againe without giving them a moment to speake one word for themselves. This will surprize yow, but it did more surprize them. Their notice of the prohibition before they left Edinburgh, is so clearly proved by writt and witnesses, that its undenyable. These lords returne thus is the least misfortune that hath befallen them. For before the proofe of the notice came hither they were very positive that they had noe notice of the prohibition. At first, on their arrivall, they declared to the queen, on their words of honour, that they knew nothing of the prohibition, whereupon they kissd the queens hands, but before the king arrived the full proofe of their knowledge of it was come, which the king seeing undenyable, it turned the ballance to their shame. I forbeare all the circumstances, beleiving Craigyhall hath done it fully. I wish you now here, of which I will speak to my brother and Craigyhall to-morrow. I wish your lordshipps all happinesse.

Adiew. 25 October [16]92.

73. WILLIAM, EARL OF ANNANDALE, to [address wanting],—Congratulations upon the king's safe arrival in England. [October 1692.] [Draft.]

Lochwood.

MY LORD,—Since parting I have absolutlie confined myselfe to this remott place, and have constantlie and onlie been conversant with my papers and privatt busness, soe that you may imagine nothing hes occurred to me that wes worth your notice, which hes been the occasion off my nott giving you annie unnecessarie truble off this nature. And this comes heartilie to congratulatt his majesties saiff arrivall in England, which I hoope you may be sattisfied is matter off as great sattisfaction and joy to me as to annie in his domminions, and that his affairs in all pairts may succeed prosperouslie and to his sattisfaction shall ever be my greatt concerne and anxious wish, for I shall ever be reddie upon all occasions to sacrifice for his interest that life and fortune which in a speciall maner I hold off their majesties. I wold with all my heart write frelie to you off business, and give you some account off the staite off this kingdome, butt that I am told there goes no letters from Edinburgh butt what are first

perused by whom I think youl guess. Butt I must say as to this corner off the kingdome, most part off people doe what they please and take a freedome to themselves, both by their expression and otherways, to shoe a verrie undecent resentment upon all occasions against the government. Whence this proceedes I must leave you to judge att this distance, butt I am confident such effectwall methods might be taken that this hear wold evanish like smoak. I kno youl use this discretlie, since nothing prompts me to give you this account butt that I cannot with patience bear such things against a government I shall sink and swimm with.

74. [JOHN FAIRHOLME of Craigiehall] to WILLIAM, EARL OF ANNANDALE, regarding the progress of his affairs, and with parliamentary news. 1st December 1692.

MY DEAR LORD,—Wee receaved yours off the 17 off November on Tuesday last, and I may say they were verie acceptable to us. We went immediatlie efter dinner to your freind and delyvered his. He hes before and now taken it ill that ye do not wryt frelie and often, for thair is no fear of breaking anie since he hes established Harie Douglas, quho most be present at the opening of the black box. Pray yow mend it. As for that storie went off yow, it wes publicklie talked off be James Gray in the coffee houses, and that long before anie of us heared of it, nor did we give credit to it, but we thought fit to let yow know it. It seemes your letters ar long of comeing to your hand, therfore ye wold recommend it to quhom ye appoynt to call everie post at Harie Douglas. I shall cause Mr. Johnston wryt to him to have a cair of them. I doe assure yow none of us hes anie pleasure in our stay heir, and had beene at home ere now if we had not judged it verie prejudicall to your bussines to a paerted contrair to your freinds will and expresse desyre, for we pressed it severall tymes till he wes uneasie with us. On Tuesday, quhen we were with him and wold have spok at leuth, he intreated we wold forbear till the end of this week, and against then he said we wold see how affairs went, for thair wes great things on the wheeles, and that he wes going to Keusinton with a great manie papers, being neir a close of his waiting and his head full of bussines. He, his brother, and his men this moneth bygone hes beene wryting everie day betuixt 4 and 5 in the morneing, and just now we hear he hes not now, at 7, put on his cloathes. We will call to-morrow to him, and will be glad to get our dimittimus. I beleeve he hes a hand in all things now of consequence, and rises daylie. All ar perswaded bussines will tak ane other turne. Lies brother wes promised Dunbarton Castle, and yesterday the king told the A.B.C. his freind, that he wold doe it, but that it wold be uneasie to him, because he now neided men of experience and trustie, but that if he pleased he wold do it ; quhairupon the other past from it and wold not suffer it to be done. Thair is great grumbleing at this. The house hes

voted two million and 2 hundred thousand pounds for the navie and the making 2 wet dockes at Plimouth. The parliament, on the kings desyre of their advyee, hes taken it to their consideratioun, and yesternight resolved ane addresse be made, desyring he wold have none on his affaers but men of paits, honestie, and such as wold renunce King James interest. I cannot learne quhat is past this night. But it is expected they will fall on particular person's. The advocat, quho is verie kynd and has great profession's for yow, wes heir taking his leave this forenoone. I went out and dyned with him. We spok in that matter off your teynds. Yow wold show him your rights of patronage, for if it be good, tho the presentation be taken away, your right to the teynds stands; and if thair be anie thing he finds defective, ane information may be sent up to the secretar. I assure yow, my lord, we ar as good husbands as we can, and our commons ar short eneugh, and that ther is nothing more longed for then to be with yow. Yow shall hear again on Saterday from, my lord, your lordships most humble servant.

Westminster, Thursday, 1th December 1692.

Pray, my lord, wryt to us, for we shall have a cair, tho paifted, they shall be returned safelie.

For the Earle of Annandale at Lochwood.

75. ALEXANDER JOHNSTONE, brother of James Johnstone, Secretary of State, to WILLIAM, EARL OF ANNANDALE—that he is chosen an extraordinary lord of session. 2d February 1693.

MY LORD,—The prize is wone. The tyde is turned. The royall wisdome hath determined the towne of Edinburghs affaire in a healing manner, yet effectwally. There are alsoe some alterations in the councell and session. Sir P. Morray and Sir W. Lockhart are out of the councell and out of their places too. Duke Hamilton presides in all meetings in the chancelours absence, and his grace is one of the extraordinary lords of the session. Your selfe is in councell, and one of the extraordinary lords of the session too, and this is but (I hope) only an earnest of what will follow for your advantage. Soe its certainly necessary that your lordshipp showlde hasten to Edinburgh to take possession of these posts in soe critall a time, to keipe the ballance even, and by your dilligence not only ingratiate with the king, but alsoe make your selfe usefull, if not necessary, to the government for the future. Craigyhall and your lady will writte fully to yow; I ame in haste. My lord, your most humble servant,

A. J.

2 February [16]93. Whitehall.

To the right honourable the Earle of Annandaile, Edinburgh. Leave this with Mr. Johnston, a bookseller near the gward. Lett this be hastened to my lord.

76. WILLIAM, EARL OF ANNANDALE, to [address wanting]—expressing his gratitude on being appointed an extraordinary lord of session. [February 1693. Draft.]

MY LORD,—Yours off the second instant came to my hand last night, and indeed I want words to express the greatt sense I have off the undeserved honors the king is pleased to bestow upon me, butt wherin I come short heare, I hope my fidelittie and sincerittie in his majesties service and in the discharge off the trust he is pleased to repose in me, shall in some measure speak for themselves. I waitt to hear from my lord chancellor, and shall, upon the receipt off his letter, immediatlie haisten to Edinburgh, from whence yow shall heare fullie from me att all tymes as occasion offers. And now you must allow me to tell you that as I shall ever be sensible off the obligations I owe yow and will never fail, vpon all occasions to give all manner of testimonies off itt, so I must depend absolutlie upon you for advice, councill and assistance in all manner off business, which I hope youl freelie bestow upon me, since I throu my interest upon you, and consider my selfe soe tyed by obligations that I must ever give you all the prooffs off a constant and firme friendship that lyes in the pouter off your faithfull friend and humble servant.

77. JOHN, SECOND EARL, afterwards FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE—that he has been appointed one of the privy council.

Edinburgh, 8 February 1693.

MY LORD,—The king hath been pleased to name your lordship one of his priuie councell, and I am commanded by them to signifie it, and to desyre your lordship may come with your conuenience to taik your place at the boord, wher your lordship shall be most heartily weelcome to my lord, your lordships most humble and faithfull seruant,

TWEEDDALE.

For the Earle of Annandale.

[On the inside of the wrapper of this letter, in the handwriting of the Earl of Annandale, is the following note:] I received the enclosed from the chancellor upon Satturday att Lochwood, by the Drumfreece post, at four a clock in the afternoon.

78. [ALEXANDER JOHNSTONE, brother of James Johnstone, Secretary of State,] to WILLIAM, SECOND EARL OF ANNANDALE—to apprehend two Jacobites.

28 February [16]9 $\frac{2}{3}$, Whitehall.

MY LORD,—I writh with Captain Johnston about Stapleton and Stanke. I find the captain did not meett with them on the roade. I have some unperfet informatione that Stapleton is returned to this towne, and that Stanke and Stapletons servant are goen forwards on travelling horses. If they can be catched with their papers it wowlde be a great peice of service, and wowlde be very seasonable at your entring into the government. Your owne zeale will prompt yow to have it done. Its apparent that the Jacobits make use of Scotch toolls, finding them indigent and capable and ready. My lord cheifjustice says that he hath examined many men, but never found such cunning, artificiall answers as he mett with from Johnston, the foresaids confederate. He is to be tryed in the kings bench next tearme. My brother desires to know whither Sir William Hamilton, the advocate, was ever named or concerned in Skelmorleys plotte, and he desires your speedy anser as to this. There is such a famine of news here that I can send none, only the examination of the Irish witnesse hath consummed much time. The result of it is yet uncertainte. I ame sorry for the bad weather and ways your travellers meett with on the roade, especially the younge English gentleman. You shall be sure of everything of moment that occurs. Sir W. Lockhart came up hither full of fury against my brother, but he is calmed, and had been wiser if he had steyd at home at this juncture of time. Adiew.

79. NOTE OF A QUARRELL between the ARCHBISHOP OF CANTERBURY and the MASTER OF STAIR. c. July 1693.

THE Archbishop says that the Master of Stairs came to him with a written copy of the church act in his hands, and told him that by it the episcopall clergie were requyred to own presbitrie to be the only government of the church. The archbishop said that was not possible. The other affirmed it. The archbishop desired him to repeat the words once or twice, which he did. Sure, said the archbishop, ther must be some restriction, as of *this nation*, or such like. He answered that ther was no restriction at all. The archbishop said he could hardly beleive it, but if it was so it was rather an act of exclusion than of comprehension. Since, the archbishop, getting a true copy of the act, challenged the Master of Stair of having imposed on him. At first the master endeavoured to deny what he had said. No, sir, said the archbishop, I am

not a man to be used so, you did say it over and over again, for I made you repeat it to be sure of it. Then the master owned that he had said it, and endeavoured to excuse the thing. All this the archbishop gave the bishop of Salisbury a commission to tell the queen, and has himself now complained to the queen of it, and gives openly things their true names, and will writ to Flanders to disabuse the king. For the Master of Stair had writ over that the archbishop had called the act an act of exclusion, which the king, knowing the archbishops moderation and temper in speaking, concluded to be so. This, it seems, has given a wrong turn to all Scots bussines. It is said the archbishop has forbid the master his house. Its very like, for he resents the thing highly and publishes it.

80. JAMES JOHNSTONE, Secretary of State for Scotland, to WILLIAM, EARL OF ANNANDALE,—The Master of Stair and the Archbishop of Canterbury.

London, 29 July [1693].

MY LORD,—I hope you got well home. I rested Sunday, and got well hither on Wednesday with the bad news. I was strongest the last day. I was in the country last post. Send to Harry Douglas for a copy of the news. I have noe other.

The queen was very fair. I am to have more time, but she is already much disabused. The archbishop spares not my colleague, neither to the queen nor to others, for the trick he put on him. That hath wronged all our bussinesse, but the archbishop will now writ and disabuse the king. The stop to our new levies makes a great noise here, and unlesse remedied, will make a great noise, too, in the parliament here next winter. Our fleet, on Sunday last, was 40 leagues beyond Vshant. Their orders are to find the French if they can. My service to Cragyhall and the ladies. Farewell.

Those of the archbishops family say that [the] archbishop forbid the Master of Stairs coming to Lambeth any more. He does, indeed, resent the thing highly.

81. THE SAME to THE SAME—St. Brigide taken ; affairs in London, etc.

London, 24 August [16]93.

MY LORD,—I have been out of toun, and therefore have not answered yours. The letters of three posts are just now come. St. Brigide is taken. If Pignecol follow, it will be a great blow. The parliament is adjourned till January. The duke has leave

to come up; there is a prohibition for others. The 13 years imposition is allowed to Glasgow. There will be noe assembly till the king be here himself, nor till then will he doe any thing in our bussinesse that he can shun. I shall, its like, goe to the Baths. All our bussinesse will be the consequence of measures here, I mean of this kingdome. There will be great changes here. The whig party, in the city, by lending and adressing so seasonably have restored matters here. My respects to your lady, and Cragyhall and his lady. Farewell.

Lord Annandale.

82. THE SAME TO THE SAME,—That the king has raised the siege of Pignerol.

31st August [1693].

PRAY allow me to writ without ceremony. The letters now come bear that the king will be over towards the end of the next moneth. We have quitted the siege of Pignerol. They are gone to fight Catinat if they can, and its like will block it up all winter. I know not what to writ of our bussinesse now writ from beyond sea, the bottom of it. I suppose the king, as the last year, will not thinck on it for a moneth, when he is come, and certainly any measures of moment amongst us will be the consequences of measures here. I shall writ to you so soon as I see through the matter, and when I see it to purpose, I ask leave for you to come up. I doubt not but my Lord Sunderland will be the man this winter, and its like the change will be not only of men, but of measures. I see not how the bussinesse will doe else. Adiew.

If you see my Lord Carmichaell, tel him I have noe other thing to writ to him but what I have writen to yow.

Lord Annandale.

83. THE SAME TO THE SAME,—As to the progress of business, and that his pardon has passed.

London, 19th October [1693?].

I AM here come from the Bath, but have had nothing since yours to writ to yow. The wind hinders the king. The duke receives great compliments upon our proceedings last session, and to show that it is not barn compliment, men of the greatest figure here have assured him that they will push here for the same methods, without which they doe not thinck the present government can hold out. Thus he is much confirmed, and sure he's the fairest foundation to build upon that a man can desire. This puts

him in good humour, but we have not been upon particulars. I pray him to have patience. The case of this nation and ours is the same. If they here cannot prevail, we shall never doe it, and if they doe it, we shall have an easy pull of it. Thus you see I can writ nothing to any purpose to you. My service to your lady, and Cragyhall and his lady. Farewell.

I am glad your pardon is passed.

84. [ALEXANDER JOHNSTONE] to WILLIAM, EARL OF ANNANDALE—
The French fleet at Brest.

21st October 1693.

MY LORD,—I expected an opportunity of a flying packett for your snuff's conveyance, but the crossness of the wind hindered the kings coming, which would have given it. Your councell measures are more changeable then the wind, otherwise our king had been here these three weeks agoe. Such unaccountable wavering stepts expose the government and reflect on the administration, clearly showing that it's all a strugle and wrestling twixt the two grand interests. I hope speedily to say that these things will not please. The French fleett is come safe to Brest. The affaire of our peaceable three admiralls is delayed till Monday next, and I beleive till the king comes, if not till the house of commons cognosee it. I know not whether that honourable house will be of soe calm aud quyett a temper as these three peaceable worthy gentlemen were of all this campaigne, I mean as to them. My humble duty to your lady. Adeiw.

21 October [16]93—Receive the snuff—two ounces—from the Cokoe tree.
To the Earle of Annandale.

85. WILLIAM, EARL OF ANNANDALE, to JAMES JOHNSTONE, Secretary of State—
Hoping that he might be allowed to sit as an extraordinary lord of session.
23d October 1693. Draft.

Now the session comes on the first off November, and iff you think fitt, I wish the extraordinarie lords were allowed to sitt. I doe acknowledge itt will be a mighty advantage to me iff the king allowes me the honor to be there in that character, becaus my oun afflairs reqwire my attendance at Edinburgh, and I will endeavor to aeqwitt my selfe soe as my friends may have no shame off me, and that I may in some measure be usefull to my selfe. I doe nott pretend to give you annie thing from this place, for I have been these two munths heare onlie employed ammongst my papers and privatt

busness, else you should have heared more freqwentlie from me. Pray lett me kno howe the watters have done with you ; I hope weell. I wish to heare better newes from abroad then wee have now ammongst us. I should be content alsoe to hear that his grace, sine he came up, were a little more easie then he uses to be. I hope youl remember wee bannished ceremonies. I shall never use annie, butt must ever be yours.

I can have no greater sattisfaction then to heare that busness goes weell with you, therefore what yow think fitt lett me have. And unless yow finde itt absolutlie necessar, I desire libertie to look after my own affaers this winter. But this is with submission to your judgment, since I cannott see weell judge att this distance.¹

86. JAMES JOHNSTONE, Secretary of State for Scotland, to WILLIAM, EARL OF ANNANDALE—Lord Carmichaell to be called to court.

28 October [16]93.

THERE is a letter from beyond sea calling up my Lord Carmichaell. Its like some there find the king disposed to be informed by him of our proceedings last summar. If it be to engage him to be commissioner to the general assembly, its strange, since they know that he positively refuses it. Houever, advise him to hasten up if you be near him. I have not written to Flanders to obtain leave for any mans coming up ; because I would first know upon what prospect I doe it, and not put any man to such charges and trouble to noe purpose either for himself or the publick. We expect the king every moment ; the wind has been two days fair. My respects to your lady and mother, and Cragyhall. Farewell.

Lord Annandale.

Addressed—For the earle of Annandale.

87. WILLIAM, EARL OF ANNANDALE, to JAMES JOHNSTONE, Secretary of State—
Arrival of the secretary in London, and proposal for the countess being a lady in waiting. 31st October 1693.

I AM glade to finde by yours off the 19th current that you are saiff att London, I hope in perfeitt health. I wish with all my heart the continuance off his graces good humor, and am perswaded he hes as fair a game to play as ever man had, iff he loose itt nott himselfe. But I am hoopfull the encouragement he meetts with there from people off interest and qualittie, by there approving the measures off our parliament, will prevaail upon him to lay asside his willfull temper and rugged way in busness ; but

¹ Note at end of letter : "This letter sent to the secretarie the 23d off October 1693."

yet youl pardon me to wish you may nott alltogether trust to itt. Since my last I am informed by H[enry] Douglass that the kings letters are come to Edinburgh, authorising the ex[traordinary] lords off the session. I am verrie much sensible off the honor the king does me, and in evrie station or capacittie while I breathe will serve him honestlie and faithfullie. I resolve in a week or ten days to be att Edinburgh, and will attend the session closs, for such ane occasion off improvement I will nott neglect; and I hope by this in some measure to make my selfe capable off beeing usefull to you. Now give me leave to minde you a little off what you designed last winter for my wife, that you wold again move in itt when you finde itt seasonable or convenient. I dare confidentlie say she will be soe observant off your advice in evrie thing, that iff she could be brought aboutt the queen itt might be off use both to you and her other friends. And indeed I think wee have verrie good grounds to desire that one off our nation should attend hir majestie, butt this both my wife and I referr absolutlie to you, and use your own tyme and way. If all other business goe weell, I hope you may have no greatt difficulty in this. My pardon hes been expedie thesē six weeks, and wold have been six munths agoe iff they had nott stopt itt att the sealls. What comes to my knoledge worth your nottice you shall have from me when att Edinburgh. My wife gives you hir humble service. Adew heartillie.¹

88. WILLIAM, EARL OF ANNANDALE, to ALEXANDER JOHNSTONE,—That he will be his brother's sincere and faithful friend. 31st October 1693. [Draft.]²

I THANK you for my snuff, and am your debtor to pay whom you please to order. Lett me heare ass freqwent[ly]e from you as you can; for, beleve me, there is no bodie can be more concerned to have business goe weell with you all then I am; and come what will come, I tell you withoutt complement, I must and will ever be your brothers sincere and faithfull friend against all men. I think there wes no greatt occasion for this profession, because I cannott be doubted; butt from the abundance off the heart the mouth speaks. Soe lett itt pass. I designe in a week to be att Edinburgh, and shall give you annie thing from that place that is worth while, soe that the next off yours will finde me ther. I hope itt is allmost needless to tell you that to my pouer you may allways command me. Fareweell. Lett me kno hou his grace manages.

¹ Note at end of letter: "A letter writt to the secretarie from Lochwood upon the last off October 93."

² The following heading to the letter is given in the copy:—"To Alexander Johaston, from Lochwood, the last off October, 93."

89. WILLIAM, EARL OF ANNANDALE, to [HENRY DOUGLAS ?]—His appointment as an extraordinary lord of session. 31st October 1693. Draft.

SIR,—I never doubted your care off my letters, and thank you for itt. I hope youl put up the encloseds in your packett, and what may come to your hands deliver to Robert Carstairs to be transmitted to me. I am verrie sensible off the honor the king does me in namming me one off the extraordinarie lords off the session, and I kno verrie weell how unfitt I am for such a station, but I hope my integrittie and fidelittie, both to the king and cuntrey, shall in some measure supplie my want off capacitie. Otherways, I have indeed some privatt busness that wold reqwire may stay heare for some tyme, butt I desire youl be soe free with me as to lett me kno whither itt may be necessar for me to come in immediatlie or no.

90. JAMES JOHNSTONE, Secretary of State for Scotland, to WILLIAM, EARL OF ANNANDALE—Approving his design of not coming to London.

London, 4 November [16]93.

To yours of the 22, Henry Douglas would give you the letter about the session. My colleague waitis, for I waited March last, but the king has not yet cleard either the duke or him or me. I thinck you cannot resolve better then to mind your own bussiness at home; for the good effect of any man coming hear is so incertain at present, that his friend sure will not advise it without some particular reason or handle, which are not yet in your ease. It does not yet appear what the king will doe here in English affairs. The scene will quickly open. Farewell.

Earl Annandale.

91. JOHN, SECOND LORD CARMICHAEL, afterwards FIRST EARL OF HYNDFORD, to WILLIAM, EARL OF ANNANDALE—That he has been summoned to London. 6th November 1693.

MY LORD,—I was at Edinburgh last week, and came hom on Frayday. A letter was sent after me from Mr. Stivenson, deated the 3 of November from the Haigue, shoeing me that it is his majesties pleasure that with all possible diligence I shold repaire to London. I had ane other from Secritarie Johnstown, who wryts that he was as much surprysed at this as he knew I wold be, and declaires that he writ over (as he promised to me) that he knew I wold not medle with the Assemblie, and that

he named on with whom he thought they were satisfied with, and hopes it is about some other thing. I had letters from other friends, who either cannot or will not tell me. I intend, God willing, for Edinburgh to-morrow, and to part from that on Thursday. If your lordship have any commands for me either there or at London (where I hope to see your lordship shortly), they shall be very careful obeyed by, my lord, your lordships most faithful and humble servant,

CARMICHAELL.

Carmichaell, November 6, 1693.

My wyf gives her humble respects to my lady.

92. WILLIAM, EARL OF ANNANDALE, to [JAMES JOHNSTONE, Secretary of State?]—
The adjournment of the Assembly, etc.

Edinburgh, the 2d off December [16]93.

THE adjournment off the Assemblie wes no greatt surprize to annie, nay, I beleve, nott to the ministers themselves, att least, the discret and intelligent pairt off them, which I am confident they will all confirme by dutifullie submitting and acqwiessing to itt. I need say nothing off the foolish protest wee had against the proclamation. The journals off councill and other accounts will informe you fullie off itt, soe as you may see itt wes a drunken, madd business, withoutt annie other foundation, and iff itt makes annie noise with you, itt is withoutt ground. Wee are full hear off greatt differences betwixt his grace and you, no less then muttuall accusation to the king off each other. This goes with a hundredth foolish storries which I forbear to truble you with, knoing them to be groundless, contrived by our Jacobites and there friends in pouer. I must think there is ass little truth in this I have named as annie, since the king hes nott yett taken our affairs under considerderation. Butt when itt is soe, and that you come to particulars in business, I am affrayed such will be his uneasiness, according to his ordinarie way and custome, that this may resolve in a prophesie, which I hope youl sufficientlie guard against. Butt I shall be glad with all my heart to be dissappointed, and that he may be wise and follow advice. I designe itt nott a compliment, and I hope itt will nott be soe taken, that I tell you from the sincerittie off my heart, itt is my greatt concerne the kings busines goe weell, and that all things may succeed with you according to your wish. I am this day come in from seeng Cragiehall att his cuntrie houss, who, in all probabilitie, hes contracted a distemper, which will soon carrie him off. Itt seems to tend to a lethargie. When you have leasure lett me heare how matters goe. You have my good wishes, and shall never want my eudeavors. Farewell heartillie.

93. WILLIAM, EARL OF ANNANDALE, to [address wanting]—The state of the levies.
16th December 1693. Draft.

I SAW your letter by the last post to the justice-clerck, and am sorrie the king takes this measure as to our levies. I think his majestic might have pleased himselfe and satisified the cuntrey by ordering the levies to goe on under honest men, and then made his draught for reeruits, which wold nott have been considered soe directlie to invert the designe off the parliament; but I wish people who advise him thus may haue good designs, both towards his interest and government. Butt this I must say, considering all things, itt looks to be the wrong way to work, and butt a verrie ill omen off other matters. God knowes I say this verrie dissinterestdlie, and with good thoghts both to my king and cuntrey, which I will ever maintain so long as breath is in me; for goe matters as they will, I shall ever be firme to him to the last. I kno nott what his graces pairet hes been in this or annie other thing. I wish he be ass plain as he ought to be, and then I am sure he may be usefull. I hope Carmichaell will act ane ingenuus and honest pairet, which may much contribute to the interest off king and cuntrey. For reallie this I must say, that unless there be a stopp to the career off the kings enemies heare, those who are his freinds will, in a short tyme, not be in a condition to espouse his interest publicklie, nor for anny thing I kno, to live qwietlie upon there oun. And allow me to tell you freelie, that the maltreatment the commissairs meett with proceeds evidentlie from nothing else butt picqwe, prejudice and malice, because they were willing to serve the king, cuntrey and forces att ane easier rate then the five pence men, who are knownen to be devotedt and sworne friends to King James and his interest; and the designe is obvious, to wearie them outt off itt, soe as the five pence men may enhance itt. I doubt nott youl have by this post a double off the circular letters which hes been sentt aboutt to all the sheriffs where the forces lye. I leave itt to your consideration, butt I think itt ane odd way off proceeding, and not the best off service, for annie to raise dust, or to creatt a missunderstanding betwixt the cuntrey and the kings forces, and wee kno nott what may be the consequwence. Give me leave alsoe to tell you that never gentlemen hes been more unhappilie trysted by the calamittie off this year then they are, and reallie, considering this with the designed discouragements they meett with from all hands, and that the cuutrie is absolutlie free off annie obligation on there pairet, and I may warrantable say prompted by some off the government to obstruct and render impracticable the commissairs providing the army, itt is onlie my admiration there hes nott been many more complaints then are. If I am a little tedious and warme in this affaire, I doe assure you I am neither acted by interest nor advantage, for I can

have nether, in the event of this matter ; butt I am sorrie to see (for love and favor to some off the professed enemies off the government, and some peoples privat interest) some honest men, who are now engaged in this business, overrunn and like to be trampled on att this rate.

Edinburgh, the 16 off December (93).

94. ALEXANDER JOHNSTONE, brother of James Johnstone, Secretary of State, to
WILLIAM, EARL OF ANNANDALE—Death of Craigiehall, and seizure of Sir
James Montgomery.

9 January [16]9 $\frac{3}{4}$.

MY LORD,—The great loss of Craigyhall is soe considerable that I shall not refresh your greife by my mentioning it. The Duke of Hamilton is trubled with a cold, keeps hes chamber, hath lett blood, soe I hope he will be abroad speedily. Sir James Montgomery of Skelmorley, was seized this morning by a warrant from Secretary Trenchard. The way of his taking is variously represented, but that which is most beleived is that it was accidentall, for the messengers knew him not for severall houres while in there custody, till Mr. Vernon, the under secratary, was sent for to see the person, who imediately knew him, Mr. Vernon having been secretary to the Duke of Monmouth at Bothelbridge. I desire to lay my hand on my mouth, neither excusing nor accusing him, till I see the result of this surprizing providence. I doe beleive he now hath in his hands a faire opportunity forced upon him to save himselfe, his family and fortune, and the honest loyall interest in these 3 kingdom, especially in Scotland, if he deall ingenously, by which it may be known who are the clean or the uncleane. My most humble duty to the two afflicted ladyes when there teares are a litle dried up. Adeiw.

Earl Annandale.

95. THE SAME TO THE SAME—Warning him of the coming of two French spies to the Borders, and wishing him to seize them. 15th February 1694.

MY LORD,—I had the honour of yours the other post, and I am heartily glade my Lord Carmichaell, my lord justice clerke, and others, have given the king soe trew and full accountt of your zeale and serviceableness in the government. I ame confident yow will reap benefit by it. When your lordship took Stanke, it was represented to the king and queen, and it did yow good. Now, if your lordship thinke fitt, the inclosed

gives yow the like and farr greater opportunity to demonstrate your zeale and active-nesse for their majestys service. Its thus—Captain James Morray, Stenrops sone or brother, and one of the witnesses against Kilsyth, is very latly come from France full fraughted with all instructions, intreagues and misteryes of the French and late kings courts, and their ministers against this government. Notice was given of him here last weeke, but he escaped narrowly, and I ame assured he is goen to the north of England, particularly he is to lurke about or at Collonell Graham his house, in Northumberland (who is my Lord Prestons brother). It may soe fall out that he may sometimes shelter himselfe in the Scotch borders where yow may reach him. The inclosed warrant from Secretary Trenchard will reach him in the English syde. My lord, I shall only add that his taking at this time would be the most seasonable and acceptable peice of service to their majestys and the publick good at this juncture that can possibly happen in your or my lifetime, there is soe much weight depends on it, both as to English and Scotch affaires ; and if yow think it advisable that Captain Johnstowne be trusted in the management of it, his circumstances giving a faire colour for his lurking about the borders, or any other yow please. I have noe other designe but their majestys service, and raising yow vp to be the envye of your enimyees and satisfaction of your friends. My most humble service to the mellancholy ladyes. My brother wris none this night. Adeiw.

15 February [16]9³₄, Whitehall.

Sir John Lowder of Lowderston hath now demitted his place. Sir William Loekhart is deying in all appearance. There will be a good reward given to the captain or any other that takes Morray.

96. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
As to affairs at London.

1 March [16]94.

WE are to meet with the bishops on Saturday, which will, in my opinion, doe no hurt. We are only to talk and informe them. I hope the parliament will not meet. The king makes no changes in this nation till the parliament be up ; what he will doe in ours will be done then. Lords Murray, Lindsay, and Carmichaell have their commissions. There are letters to the councill and treasury that will be sent next post. The king seems resolved to have the laws for the security of the government executed. Tel Polwart that bussinesse of Whitebanck is done. Lindsays regiment has been a down-right triall of skill. There is now noe appearance of an invasion, nor that France can

be upon the offensive anywhere ; but its too early to judge. Wig and tory here are mighty hot in parliament. The latter sees the government out of their hands. My Lord Shrewsbury comes into all the councill, but seems resolved to shun the trouble of the secretary post. Tel the advocat that nether Coltness, nor any other, have got pensions ; you will guesse the reason of that. Glencairn will have one when others get. Forgive me such commissions. Farewell.

There is a letter about the commissaries. I began my month yesterday, but have been bussy since—40 or 50 papers or commissions signed.

Annandale.

97. WILLIAM, EARL OF ANNANDALE, to [JAMES JOHNSTONE, Secretary of State]—
About the progress of affairs in the Scottish council. 15th March 1694.
Draft.

I HAD yours off the 1st instant delivered me yesterday by Collonell Home. You may be confident wherin I can be usefull to him or anie hes concerne in you I will to the outmost off my power. I doe nott qwestion ane intyre confidence and understanding betwixt him and his collonell, to which I shall allways contribut all the endavours and interest I have with my nephew. And since you have been att soe much truble aboutt that regiment, I will use ass much pains for the good off itt, and to helpe them to sufficient men as iff itt were my oun ; and yett I nether have, nor shall recommend one officer to itt, except my Lord Lindsays oun brother to have the name off a companie, which the familie hes greatt need off for there present subsistance, and I hope will nott be grudged by the king, since the lieutenant-collonell will see to putt a sufficient man upon the companie. Wee heare all our cuntrey men have either parted or are to part soon from London. I wish they were weell heare with all my heart, for they be vneasie eneugh heare, yett they cannott doe soe much hurt as in appearance they have done with you, since itt seems throw there means wee are to expect att this tyme noe rectification either as to men or measures. I wish to God, by this delay, the interest off the king, and off all honest men, may nott suffer, and iff soe, trewlie I shall be the less concerned. Our councill heare are verrie unanimous, and carrie all matters with an high hand. Mellvills whole familie are struck in as to all intents and purposes with Earl off Linlithgou, and the rest off your neighbours friends, soe that heare is a firme friendship and confederacie both in councill and thresaurie ; and unless itt be my Lord Pollwart and I, and one or two more, there is nott one to say itt is wrong they doe in annie thing. Wee have, indeed, the assistance of Sir Thomas

Livingston. Thus, you may easilie immagine how matters goe ammongst us, and how little satisfaction annie who means sincerlie weell to the good off there majesties government can have to be witness to this. I must tell you, and can make itt appear, that iff there be annie thing done for the necessarie securittie off king and cuntry itt is allogither forced work, and with no small strigle and wrangling. That there wes annie thing done in obedience to the kings letter effectwallie for putting the laws in execution for securittie of the government, mett with opposition eneugh publicklic in the councill, for both Linlithgou and Tarbett said they did nott beleve the king meant the taking off horses and armes from those who wold nott take the oaths to be generall, butt the act onlie to be applied to some particular persons. Iff by waitting on the kings busines heare, and even struggling and wrangling for him, I could serve him or gett busness done, I should nott grudge my attendance; butt the number is soe unneqwall, and the constitution off the government at present is such, and no appearance to be otherways, that I am resolved to goc home and wish the world may be dissappointed, and people may answer the trust faithfullie his majestie is pleased soe francklie to give them. I feare you thinke me trublesome, butt beleve me this proceeds from no sourness of temper, nor particular privatt interest, butt from a tender regard and concerne for the king and his government, which I shall ever with life and fortune follow the fate off. There hes been greatt endeavours heare to gett repries for the Bass men from the councill, and some ammongst us verrie earnest for itt. According to your brothers last letter I did speak my Lord Lindsay, and writt to Crafuird for the agencie off the regment to Captain Bailie, which hes been verrie cordiallie aggred to, and this day I spoke Sir Thomas Livingston for Drummond his to be adjontant-generall, which I think alsoe will be done. Forgive this long letter to your constant friend.

Edinburgh, the 15 off March (94).

98. THE SAME to THE SAME—In reference to statesmen and their measures ; a
regiment for Lord Ross, etc. [March 1694.] Draft.

THIS comes in retturne to your last off the 22nd instant, by which I am glade to finde there is yett hopes of busness, iff our Assemblie carrie discreetlie, which I am in a greatt measure perswaded off, for the ministers appear to be verrie weell dissposed, and intyrlie sensible off the designs and snares there enemies have laid for them, which I am hoopfull they will avoid by a wise and moderatt conduct in all there proeceedings. Youl by this post have there letter to his majestie, which seems to be ass fair and dutifull as a generall could be, tho for my oun pairt I wish they had given some particular assurances. I am no member, nor did I desire itt, butt shall be verrie assidius, and use all my interest that matters goe right. I kno the commissioner and justice-

clerk will and have given you particular accounts of all that passes in relation to the Assemblie, soe that I shall say no more in thiss affair. Since you approve my resolution of rettiring to the cuntrey, iff business runn in this channell, I am resolved soe soon as I hear the king goes to Flanders to leave this place, for I am sure in serving the king hear, and adhering to his true interest against the Jacobite faction and the other enemies off his government this tyme bygone, I have rendered my selfe the most obnoxious man in the nation to there malice and envie ; and I may saillie say that iff I had been less forward upon all occasions in his majesties business, both in judicatures and otherways, my reasonable bill had gott a better answer from some off the lords off his thresaurie. Butt all I wish is that the king may be sattisfied that I am sincere and heartie in his service, and whenever I am called, or occasion offers, I will, with life and fortune, serve him against all his enemies whatsomever to the last. There is one thing I must minde you off, and that is, my Lord Ross complaines heavilie he did woritte to you annent that other regiment off dragoons that wes to be levied, which itt seems he expected, and I finde him extremlie picked by the dissappointment, and that you did nott retturne him ane answer. As for the first, I gave him the best reasons why they were nott levied att this tyme, and for the last, I told him treulie you did nott use to be short off such civillties, that there wes no want off respect or kindness, butt some occasionall mistake, by which he seemed to be fullie sattisfied. You kno the man is naturallie hott, and he wold have me engaged to woritte to you, soe that iff you think fitt I wold have you woritte a dissecrett letter to him, which will soon take off all thiss matter. He seems to be mightillie concerned that his name should have see much gone abroad for this regiment and yett no appearance. What you think proper doe in this matter. I leave itt to your selfe. I wish my greattt uncle were weell in Scotland, or rather that he had nott been out off itt att this tyme, for you may remember my fears were from the beginning that he wold obstruct busness, which itt seems he hes hitherto been successful in. Butt for annie particular prospect I can have, I declare I should be verrie indifferent iff the delay off the change off some men and measures were nott allmost ane irrecoverable loss to there majesties interest in this kingdome. Butt I am glade with all my heart to heare that tho you have been the object off his graces wrath, itt hes had no effects to your prejudice.

99. THE SAME to THE SAME—Proceedings in the privy council, and the earl's leaving it. 5th April [1694]. Draft.

I AM glade you finde itt just I should be rectified as to the cloathing munny. I hope no body will think otherways, since there comes nott a sixpence off itt to my

pockett ; and att least itt may be thought sufficient I serve the king for nothing, wheroff I finde I most be the onlie instance, since for a reward off the Marquis off Duglass great services done and to be done, he hes the estaitt off Dundee bestowed upon him. I doe nott att all grudge the kings gratuittie to the familie, since I kno itt suffered much by the loss of my Lord Anguss, and I am sensible there circumstances reqwirre the kings assistance for the support off thiss old and honorable houss, wheroff I have the honor to be descended. Butt I wish his majesty had gratified them some other way then by the dissapointment off Sir Thomas Livingston, which I thinke is a verrie greatt hardship upon him, since his name hes been soe much heard of both heare and there in this matter, and soe consequentlie shall be exposed to the malice and laughter off his enemies. And treulie, considering his bygone services, constan care, fatigue, toil, and application in his majesties business, which upon the occasion off the levies is and hes been extraordinarie, itt might have been expected this affair wold have had much better success, and I thinke I may upon good grounds assure you that he is sincerlie and zealouslie your friend ; and tho he wes under some engagements for others, yett he hes promised Drummond Hill shall be adjutant-generall. Soe much for this.

I have been this day and yesterday at councill, where, I assure you, the most off us goe on verie francklie. First, for reprives to all the Bass men, after a greatt dale off debaitt and some pleading that King James commission should be excuse, itt came to the vott—Reprise or *nott*—and I wes the first in the councill votted nott ; upon quihich the councill splitt, soe that itt came to the chanellors casting vott, which he wes pleased to give for reprise to the first Fryday off May. This putt the councill in soe good and charittable a dissposition that they did proceed to take the petitions off all the prisoners under consideration, and have accordinglie this day and yesterday sett all att libertie upon boand. When they came to this, Sir Thomas Livingston and I went to the door, so that wee were nott actors in itt. The justice-clerck and others who wold have opposed itt were in the assemblie, butt it had been to no purpose, for there majorittie by much carrie what they will. Att this rate you see there is no satisfaction to be in business, soe that till matters change I from heneefurth take my leave. Considering all things, I hope you will nott tax me with impatience, since itt seems I am soe little usefull that I am nott worth the considering. Butt you are pleased to approve me in this resolution, which is verrie sattisfieing to me, and however I disspose off my selfe, I shall ever wish the prosperittie off king and government, and am intyrlie, yours.

Itt wes Cassils broght the argument off King James commission in favors off the Bass men. The Assemblie, I hope, shall dissapoint all the fears off friends and expectation off enemie.

The 5th off Aprile, to the secretarie.

100. THE SAME TO THE SAME—Proceedings in council, the death of Duke Hamilton, and his wish to be his successor. 17th and 18th April 1694. Draft.

You see the assemblie now dissolved, and I hope to the satisfaction off the king and dissapointment of there enemies, since I conceve in evrie point there actings have been dutifull and aggrefable to his majesties instructions. Particulars youl have from my Lord Carmichaell.

Wee had yesterday ane extraordinarie councill purposelie for to defeatt the proclamation for taking horse and armes from the dissaffected, which the chancellor pressed with greatt heatt and violence, and had soe farr concertert with the advocatt that they had a draught off a letter which wes to be disspatched to all the sheriffs for excepting of all coatch horses, draught, pleugh and laboring horses in all mens hands whatsomever, and for ordaining the applying off the proclamation onlie to such as had been called by the councill and had refusid to qwalifie themselves, and who were named in the act off parliament. The councill were pleased to reject all this, except in soe farr as itt comprehended laboring and pleughing horses in the hands off tennants and laborers, which they thought the act off parliament should nott reach. And because I wes forward, and the first in councill to oppose him in thiss matter, he wes in a mighty passion and heatt against me. Butt in spite of annie thing off this nature, soe long as I have the honor to be there I will ever espouse and oun what I consider is the securittie off the king and government. This night about six a clock Duke Hamilton came to this place, and in all probabilitie cannott be mannie days in this world, for he is seized with a violent palsie, which affects his head, soe as he speaks non nor knowes no bodie, and hes lost intyrlie the use off his limbs. This distemper begun upon him att Darnton upon Thursday, and hes increased by degrees evrie day since, soe that he is in a greatt measure spent, and is nott like to putt itt off long. If his temper, constancie, and good humor had been suitable to his parts, his loss had been a greatt deall more sensible to the nation. The Bass yesterday gave a signe and have sent termes, wheroff I kno nott yett the particulars; butt in the generall I hear they are exorbitant. The councill are to meett the morrow upon this affair. If anniething pass worth while you shall have itt, butt its probable there may be ane end to this busness, for they are straittned. If there be occasion for your doing for me by Duke Hamiltons removall, I am sure I need scarce minde you, since I will never qwestion your sincere and earnest endeavors.

To the secretarie, the 17 of Aprile (94).

The enclosed wes writt last night, when I thought the flying packet should have been disspatched, which comes nott off till this evening, soe that I can now tell you that Duke

Hamilton died thiss morning about six a clock. If I am to be trusted, I hope now is the tyme, and iff the king either knowes or beleves me to be what I am, I think with the assistance off your frindship and endeavours I have a fairer view then anny other off serving in my unckles station in councill. Butt I doe absolutlie depend on you, and that I kno your sincerittie and earnest endeavours for me need no spurr, that I shall nott truble you with what I might say att large to induce you upon thiss occasion to act for your friend. Onlie the event off thiss will bring me to a point in my expectations, for I cannott consider my competititors verrie formedable, and iff the worst comes, I can verrie cheerfullie goe home to the cuntrie and mannage my oun affairs. Mr. Carstairs dined with me this day, and tells me he hes by letters since he came to this place given good accounts off me, and professes the greatest frindship imaginable, and this night sayes he shall woritte with all the earnestness possible upon my account, tho I spoke nor named nothing in particular to him, butt kept all togither in generalls. He seemed to insinuatt as iff the king might nott disspose soe suddainlie off Duke Hamiltons places unless you were urgent, which he wished you might be, since occasions are easier lost then recovered. I fear I am uneasie, and therefor cannott allow my selfe to woritte what I wish I had opportunittie to speake to you ; butt this I must say, that either delay or a wrong choice will be off dangerous consekwence to the king and cuntries interest, since Duke Hamilton wes certainlie a check, and the enemies of the government will improve there tyme. Fareweell.

Aprile the 18 off 1694. To the secretarie.

101. WILLIAM, EARL OF ANNANDALE, to ALEXANDER JOHNSTON—As to his prospects of obtaining a position in the Scottish government. 5th May [1694].

I SHALL nott be impatient tho my unckles places be nott filled nor I employed, for I can with a greatt dale off satisfaction and contentment goe home and leave upon my oun, and perhaps I may have as much advantage by this as I might have otherways by beeng in the government. I doe nott pretend that I am capable to serve either the king or my friends to good purpose, soc I am nott surprized att all with my dissapointment, nor doe I repine that people will nott act vigorouslie for me. Butt I have soc much concerne for the kings interest and for the good off this nation that I wish with all my heart some men were turned outt who designe nothing less then the ruin off both, and that there were noe delay in the filling Duke Hamiltons places with honest and sincere men who may be had whither I be employed or nott. And give me leave frelie to tell you that your brother and my friends interest and creditt depends upon this. For iff there is nott some speedie stopp putt to there carreer,

there is no man that hes ouned his interest or business for him heare or stated himself his friend, but will be basled and abused in evrie thing and upon all occasions. As for myselfe, I resolve to keep outt off the way ass much as possible. Itt is nott for annie privat end butt that I must ever wish to see business goe weell with him. That makes me beg off you to push him to business, and that he may not slipp this occasion off doing for the king and recommending himselfe to this nation, which, iff neglected, may in all probabilitie pass recoverie, and will confirme some off his best friends heare of the charter he hes gott of beeing stingie in pushing business, to which I must frelie tell you the delay of good changes is altogether attributed. The noise wee have heare off Sir Thomas Livingstons going to Flanders makes me allmost think a redress and rectification off business desperatt. For iff itt should succeed, I may frelie say itt wold be the severest stroak ever the kings interest suffered in this nation, and I am sure your brother in particular should nott be able to make up thiss loss, for he is intyrelie his. This consists with my knoledge particularlie. Soc lett him consider weell, for he is a greatt card and nott to be lost, tho my Lord Murray had nott soe much frindship for anny off you as to employ your relation Hallyards in his regiment; yett I gott Sir Thomas Livingston to give him a companie in Sir William Douglass regiment.

A little in answer to yours. Lett me tell you that tho I had interest with my Lord Arran, which I nether have nor care for, I should nott be verrie forward in making use off itt for ane introduction off his beeing on the government, since I have nott yett soe verrie mean thoughts off myselfe as to think I cannott be otherways usefull then to prepare my Lord Arran for enhancing his fathers places. However they be who shall doe itt I wish them a greatt dale off joy off itt, and that he may answer ther[e] expectations by adhering firmlie and stedfastlie to the king and them upon all occasions. Beleve me, all this proceeds from my sincere good wishes to your brother and you, which you may frelie communicatt to him, for I am sure he is nott capable to mistake me. And soe fareweell heartilie.

Edinburgh, the 5th of May.

To Alexander Johnston.

102. WILLIAM, EARL OF ANNANDALE, to JAMES JOHNSTONE, Secretary of State
—In reference to parties and men in the Scottish government. Draft.

Lochwood, the 13 off May (94). To the secretarie.

I AM obliged to friends who worite soe favorablie off me. I wish my capacittie and knoledge off business were ass answerable to the character they give me as my integritie and firmness to the king and government, and then both wold be beyond the sus-

spicion and malice off my greatest enemmie. Itt is weell my appearances and application to publick busness hes these good effects heare, tho elsewhere itt seems they are nott soe, since that poor busness off my arrears could nott be heard, which will in some measure, more then the value, please my good friends in the thresaurie, and they may reasonable conelude they have no ground to be apprehensive off my court interest. Itt wes too much to add this to my sixteen munths expensive attendance att Edinburgh, which I may verrie easilie gett over, butt canot soe weell digest my being exposed to the sattisfaction and scorn off my enemmis. I could be extremlie pleased with the tottering condition off some men, and particularlie him you name, were itt possible for me to beleve the certaintie off itt. Butt you must allow me allmost to dissparie off a rectification of busness in this nation either as to men or measures since I have seen and doe see dailie such gross triek[ks] and villannies practised both heare and there, publick appearanc[es in] judicattures evidentlie against the interest off the king and his government, and no nottice taken off them, yea, these the onlie men who are encouraged; and least they should be dissobliged, others who are whollie embarked in the interest off thiss government and wold serve the king faithfullie and vigorouslie must nott be employed. Itt appears a riddle that the Whig partie carries itt in England and the Episcopall in Scotland. I kno you will nott putt a wrong construction upon what I woritte frelie, which you must allow me upon all occasions, for itt is the effect of constant and firme frindship; and therfor lett me ask you whence the great confidence comes that the king hes in Lord Murray that he is named ammongst the officers off state to fill up the commissions off borrows and regulation off judicattures. Thiss hes been no small surprize to most heare, and is considered ane unpresidened method to appoint delegatifs for filling such commissions since you may be sure nobody will be foand off medling in busness att there appointment, and I must say Lord Murrays name there wes a surprize, butt wold yett be more to be secretarie off state; tho I confess after soe signall a mark of the kings confidence he may be expected first in the government; butt take care off a new Gilliecrankie. Had you been witness to all that hes passed thiss winter, what str gling and what difficulties there hes been to gett annie thing done effectuallie either for the securittie off the nation or for the kings interest, you wold be verrie uneasie upon the delay off busness for thiss summer, for the onlie check upon them wes Duke Hamilton. They concluded he could nott be fixed, and therfor were affrayed off him, which keepeed them in some measure within bounds, butt now that there is non either to oppose them or counteract them, be sure they will goe on with loose reins and carrie on busness to greatt extremitties, such as I feare may be hard eneugh to retrive; and as for you and your friends, itt will be wisdome to appear in nothing heare, since as wee are now stated, must resolve to be bafled in evrie thing. I should be extremlie sattisfied to

see you that I might use more freedome both as to men and things then I can doe thiss way, butt a London journey hes soe many inconveniences that I cannott think off itt. The expences must be considerable, which I might gett over, butt the uncertaintie off making ane interest with the English, and the event off a long court attendance, which after all mi[g]ht co]me to nothing, wold be verrie uneasie to me, for I must te[ll] you that alreddie my friends grudge and my enemmis laugh that there is nothing done for me. I have ass greatt a regard and value for the kings favors, and covett ass much to be employ[ed] by him as annie man. Butt I am of oppinnion itt is nott throing away munny upon comming to Court or a mans thrusting himselfe officioulie upon him that will move him, for when he is convinced those who are now employed serve him ammiss, and iff he finds ane other able and willing to serve him to better purpose pointed outt to him by those who have creditt about him he will not fail to make the change, farr less to fill vacancies. The king hes a true notion off Arran. You might no doubt have Queensberrie, tho he vous and swears otherways on all occasions ; butt how thiss nation and you wold be stated with either off them I think I need nott tell you. Duke Hamilton had reason to speak weell off Aberdeen to the king, for he wes in closs frindship with him. Butt I may warrantable say he is the source and head off the Episcopall and Jacobite partie in the North of Scotland, and privatlie does King James better service and acts more effectwalie for his interest then the whole partie besides are able to doe. When I am at Edinburgh I will endeavor to give you a more particular account off his storie. Be sure the hopes off your colleagues chage shall be verrie saiff or annie thing else you trust me with ; butt why one of the same kidney I cannott comprehend, unless the king be resolved to maintain and encourage still a partie for King James. For I am confident ane other who wold cordiallie join with you in all business wold be soc aggreadable to the kings interest and the nation that in a verrie short tyme there durst nott be the least appearance off a dissaffected partie heare. Iff he wold once butt soc much consider his oun interest as to have two secretaries off a stamp there might be easilie ane honest man gott to serve him. Butt when lesse changes cannot be, and that wee grow worse and worse evrie day, there is small hopes off thiss. Lett me again expostulatt with you in the removall of Sir Thomas Livingston. I cannott see the advantage off itt either to the king or anny off his friends. Sure I am the loss the kings interest will have heare is irrepairable, and it will be such encouragement to his enemmis that I wish the bad effects may nott soon appear. I cannott woritte nor you cannott be sensible at such a distance what may be the evill consewences off thiss, and therfore I may saiflie obtest you to use your outtmost interest to prevent his beeng called from us, for he is the onlie ballance at present that honest men have to depend on. Your last gave me encouragement, and is the onlie appologie I shall make for thiss tedious letter.

I had allmost forgott that I am desired by sevral off your friends to recommend your relation Captain John Areskin, Avas brother, to succeed Major Buntin, who is nott like to live long. He hes allways carried himselfe weell towards the government, and wes verrie earlie in itt. He hes served long in Stirling Castle, and is weell qwalfied for the trust, soe that you may saiffie doe for him.

103. WILLIAM, TWELFTH LORD ROSS, to WILLIAM, EARL OF ANNANDALE—Of his reception at court and the progress of affairs there. 27th November [1694].

MY LORD,—I came heir last week, and am very glad to find our affairs are in so good a postur, things going for us beyond what I expected. I am glad to know the chanceler is determined to take journey heir. Certanly ye have caressed him much befor he leave you, and I am confident by that and what he may meet with heir he may be very usefull for our interest. Some look not so fierce heir as I expected. I hope litle time will produce somewhat to your satisfaction. The losse of the bishop of Canterbury is unexpressible, and the choice of a neu good one will be of great import. Last day I kissed the kings hands, who receaved me very weal, and spoke kindly to me ; and this day Lord Lindsay, Sir Thomas Leviston, Sir William Hope, and I, kissed the queens hands, Sir Thomas having waited on the king a litle befor, who receaved him very kindly. The parliament heir goes weal on and will give mony liberally, and, I hope, sooner then former years. Things abroad have a far better prospect then some time past. Secretary Johnstone is very kind to me, and does me all the good offices possible. Wherin I can serve your lordship heir frely comand me, and it shal be performed with all possible exactnes by, my lord, your lordships most faithfull servant,

Rosse.

London, 27 November.

104. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
The latter's appointment as president of council.

London, 6 December [16]94.

I WISH you much joye of your new honour. It was impossible to have an audience this day, tho the king promised it, for till 11 aclock the English ministry had the king, and since he is till now, at 8 aclock, in councill here pricking sheriffs. I would not mention your affaire in the bed-chamber, because I would improve such an occasion of speaking of you. Dr. Tennison or the bishop of Lincolne is named archbishop, which gives general satisfaction. You are absolutely in the right to shun

all criticall bussinesses, at least till you writ up and know the kings mind, particularly church matters. They will be well pleased here if there be noe noise, tho nothing be done. You will have much difficulty with the bussiness of recruits how to keep a due temper, for on the one hand the countrey must not be abused, at least not more abused then it uses to be, for abuses there will be on such occasions. On the other hand, the officers are apt to clamour against the councill, and the king is much concerned to have those recruits, and will take it well to hear that you are zealous in it. There is no doubt but you yourself will abstain from heat, but it's fit that you keep also all the board as much as you can from it, and that proceedings be calme and impartiall. You should writ a letter of compliment to my Lord Portland ; and pray writ your letters so as that I may read them to the king, and what is not fit for that writ it on a paper apart. Farewell.

Pray writ how far its fit the king interpose for moderating the execution of the report about the indemnity, for disorders in the highlands will be represented as the infallible consequences of rigour, tho, for my part, I thinck we are not to apprehend them.

I would advise you in your's to my Lord Portland not to mince the matter of the false step you made, but to own it and your sense of it, of which you may say you have given ever since sufficient proofs, and have not so much as lived in friendships with any of your old associats, and that you will give further proofs, when you have opportunitys to give to this purpose, I mean.

I send you enclosed what is sent to me as you see. The law, you know, is strict, but the governement hath hitherto in a great measure connived, for otherwise the customs will fail, which we cannot be without. Consider the owners, for if disaffected they deserve noe connivance, but it is not fit to be rigorous on the suddain.

Lord Annandale.

105. WILLIAM, TWELFTH LORD Ross, to WILLIAM, EARL OF ANNANDALE—Congratulating him on his appointment as president of the council. 10th December [1694].

MY LORD,—I can add litle to my last. When the chancellor comes heir I hope matters shal goe weall. The choice of this neu archbishop give us all good hopes : for all honest men doe rejoice at it, though others hangs ther heads. I send you the late archbishops funeral sermon. This one I hope shal succeed him in all things. I wish your lordship joy of being president of the counsell, which I hope presages

better. Pray, my lord, tell my Lord Whitlaw he hes friends heir will not forget him when occasion offers. Secretaire Johnston will be found firm to him. We drink both your healths some tims, and all our other freinds. I expect to hear how all goes at Edinburgh, and shal not fail when anything of worth offers to acquaint your lordship. Things goes very weal in Parliament.—I am, my lord, your lordships most faithfull servant,

ROSSE.

London, 10 December.

106. SIR THOMAS LIVINGSTONE to WILLIAM, EARL OF ANNANDALE—As to his audiences with the king, and the progress of parties in the country. 11th December [1694].

MY LORD,—I have some post ago werit to your lordshipe, wherin I told you that then I had been with the king, wher I did your lordshipe justice. Yesterday Secritaire Jhonston and I warre in the closet again. I kan assure your lordship you are weel with the king, and he is verry weel pleased your lordship is chosen president of the counsul. Of himself he said it was needles to send a letter about it, for he did not kno but theer migt be a mater of rigt into it, and if so it would make but a noice. He said that he did not kno the practice in Scotlant, but that it was the custome every wher els. He would informe himself and then would signify his pleasure anent it. In the mean whyl bussinis migt go on. The party, your lordship knous, is verry bussi to haue maters to go worong, but I hope thee shal not prevail. The wel wischers in Scotlant I thinck should weryt theer opinions plainly, for theer are pains taken to haue maters to stand as thee are. Great offers to that effect are mead, so that it may be justly apprehended thee will get some heering. But as I said befoor, every one should tel his mynde plainly and weryt to Mr. Carstaires, who I beleue meddels much in that bussinis, what is necessaire opon the head. I wisch and hope maters may go weel, but if not I shal not be a witnes, for I am desygned for Flanders, and have orders from the king to make reddy. Much will depend opon the chancellars firmes, who may have temptations anof to the contraire. I hope to haue the satisfaction of waiting opon your lordship befoor I go, and by the nixt you may expect to hear further from, my lord, your lordships very humble servant and real freend,

T. LIVINGSTONE.

My service to the justice clerck and all honest men with you.

London, 11 December.

107. WILLIAM, TWELFTH LORD ROSS, to WILLIAM, EARL OF ANNANDALE—A combination to force changes in the Scottish government, etc. 11th December 1694.

MY LORD,—Your lordships I receaved yesterday, and am glad that mine satisfied you, and I wish I may have much ground so to writ to you. But that which in my opinion wold tend much to our interest wer that your lordship and as many as ye can prevail with, as Carmiehell, Polwart, Justic Clerk Whitlau, or what other ye think fit, should al writ to me, that except ther be some changes in the goverment befor the parliament sits, nothing for the goverment will be done ther. I have said it heir, but being backed with so many members, and who mor ye think fit, will confirm what I say. I leave the managment of it to your lordship. The sooner I have a return the better.

I am glad to know by yours that the chanceler parted so weal disposed. I am confident if he continue it will be of great advantag to honest men.

The good choice the counsell hes made of your lordship to be ther president satisfies not only me but all honest men heir, and I hope to see good effects of it. It is impressed upon the king that the presidents place is a matter of right with us as in some other places, and al at present he can be persuaded to is to order Secretair Johnstoun to writ to your lordship that he is very weal satisfied with ther choic of you to be president, which I hope will satisfie you, for every body may knou it, and I hope will stop any more heats. But I shal not fail to be as active as I can if any thing mor can be done, not only in this but in whatever your lordship is concerned in, and shal be glad to knou what passes among you that I may the better act in what falls out.

The trienial bill is past in the comons house by thre votes, and its said will passe with the lords. What the king will doe time will show. The act oblidges to a triennall parliament, but not positivly to ane annuall session. But by the act this parliament is not to meet ane other session. Nothing in our affairs will be done till the chanceler arrives. What ever falls out your lordship shal have a particullar account from, my lord, your lordships most faithfull servant,

ROSSE.

London, 11 Desember 1694.

108. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
The king's pleasure at his appointment as president.

London, 11 December [16]94.

MY LORD,—The king orders me to writ to you that he is very well satisfied that you are chosen president, but that he does not writ this in a publick letter, because he

apprehends (or is informed, I thinck he said), that there is a point of right in the case, and that he never does any thing that looks like a decision in matters of right till he hear fully the case, which he has not done in this. Houver, he desires you to continue to preside. So much by order.—I am, my lord, your most humble faithfull servant,

J. JOHNSTOUN.

Lord Annandale.

109. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE, in reference to questions of State, and dealings with statesmen.

13 December [16]94.

I SLIGHTED my Lady Kineardins clamour till I was advised not to slight it. Nou they are ashamed on it. I must goe thorough with Melvill nou, and doubt not after him others will take warning. Put some on work. Information will cost pains. Advocats nou willing to come. Leven and Raith have written to me about their differences of presidency and gunner. The letters are mighty fair. It seems they have had their lesson, which too makes them so calme. Collonell Ferguson is by noe means to be trusted. Houver, you have a pretence from his brothers friendship to you to make your own use of him, tho he be prepared against you all. Farewell.

See the justice clerks.

Lord Annandale.

110. SIR THOMAS LIVINGSTONE to WILLIAM, EARL OF ANNANDALE, as to rumours of the appointments of the Scottish officials. 16th December 1694.

MY LORD,—We are heare betwixt hope and fear. Thoos of that party you kno of carie verry hyge. I hope we apprehend them moor as we need, but certaine it is that of leat thee have thought theer game sure; no les but ould Steares chanselar and worthy Lithco president of the counsil. This, for all I kan understand, was nothing but vaine suppositions of theer one, and thee love to make theer interest great be theer ground for or not. For I doe not doubt but the king wil consider his one interest and the good of Scotlant better then to employ his enimmys so far. Litel tyme wil make us see clear in maters. In the mean whyl I thinck all wel wischers should tel theer mynds freely; for altho I shal have no other clear in it but my wel wisches I must be oneasi opon the head until maters be setlet. I dar not be moor plain, but I supposos your lordship understands my meening, so I shal only ad that noboddy is moor your lordships very humbl and real servent then

T. LIVINGSTONE.

London, 16 December 1694.

For the rigt honorabl the Earle of Annandale, Edinburgh.

111. WILLIAM, EARL OF ANNANDALE, to WILLIAM BENTINCK, FIRST EARL OF PORTLAND, excusing himself for the false steps he made some years ago.
Draft. December 1694.

MY LORD,—Tho the unjustifiable and false stepp I made some years agoe did justlie render me under heavie and hard circumstances with there majesties, and made me loose your lordships countenance and kindness, yett if a perfite [ane intyrc *interlined*] sense of my crime, with constant sincerittie, fidelittie, and honestie in there majesties service ever since will [can *interlined*] remove annie [all *interlined*] remniembrance or resentment, and prevaill with your lordship favourablie to accept off thiss truble from me, I hope [am sure *interlined*] I may upon good grounds expect itt; for I can warrantable say that I wes wearie and uneasie under the weight off my crime long befor I surrendred my selfe to her majestic, and that then my ingenuittie in all that affair wes withoutt reserve, nor have I att anny tyme since endeavoured to extenuatt my guilt as some others have done; but it hes been, and shall upon all occasions be, my business rather to aggravatt itt, and to give such constant and daily prooffs off my sincerittie and sense theroff that the world may see I gratefullie remember I owe my life and fortune to there majesties. And now, my lord, allow me to say that as I have lived abstract, and in enmittie with all those who were then associatt with me, soe I am now the most obnoxious man in thiss nation to the hatred and malice off the dissaffected and enemis off the government, both publick and privatt. Thuss your lordship may see how I am stated, and in thiss I have my designe, for if his majestic is pleased to look favorablie on me I despise the frouns off his enemis. I feare to encroach upon your lordships patience, and therefor shall onlie add that since the councill have conferred ane undeserved honor on me to preside untill the kings pleasure be knouen, I thoght itt my duettie to aske your lordships commands, which shall be duelie and punctuallie observed, and to assure your lordship that I have no ambition off beeng in publick, but to have opportunitie off giving further prooffs off my zeal for his majesties service, and that I may ever, with fixedness and constancie, approve my selfe, my lord, your lordships most faithfull and most humble servant.

If your lordship will allow, I shall give you accounts from t[yme to] tyme of anny thing of consequence [that occu]rs heare.

Indorsed : Copie. L. Portland. Desember '94.

112. JOHN, FIRST MARQUIS OF TWEEDDALE, Lord Chancellor, to WILLIAM, EARL OF ANNANDALE—Mishaps on his journey to London.

York, December 17, 1694.

MY LORD,—I had yours at Borrowbridge, and coming from thence one of my coach

wheelees broke, and the rest proved crazie by reason of the ruggedness of the way the tuo preceeding days occasioned by so strong frost, so that I was necessitate to come hither, and I think I shall not reach London sooner then Friday come sevennight, the third day after Christmass, so that little or no time will be lost. I am glad to hear things go so well with yow, and that men begin to appear in their ouen colours ; it will be bitle to their advantage that they carrie so high, wherof notice is already taken at London, as it is wrote to me, and yow shall hear als soon as I arrive and possibly by the way.—I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

For the right honourable the Earle of Annandale, president of the privie councill of Scotland, Edinbrugh, Scotland.

113. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
Illness of Queen Mary, etc.

22 December [1694].

THE king said tooday that he would signe this night a letter to the Exchequer to represent the severall claims of the creditors of Hume to himself. My brother waits at court for it. Your error is that nether you nor advocat nor solicitor have written the case, so that the king was riper then I on the subject. I could not get into the closet these two days. I can doe noe more if it were to save my own life. The triennial bill is past. The queen has been blooded and vomited, and its feared she have the small-pox. Mr. Sinclair has spoilt his own bussinesse by foolish letters to Launtoun ; I beleive he is sincere, but that is known. Polwart and Sir G. Eliot have recommended a nephew of Ranquillor, one Pringle. Consider privately with others if he be a fit and sure man, and if you find him such make first sure of him and then let him by his brother, who depends on Hugh Dalrymple, get his recommendation to the Master of Stair, for any of us that opposes can hinder. Thus Mr. William Hamilton, because of the masters opposition, will not have it, and they have another reason too at court. They reckon him slow, but that its like was Melvills fault. I shall answer other things the next post. Farewell.

My brother is returned, and the queen is so ill that the king will doe noe bussinesse. His campagne bed is set up in her chamber. All are in fear and great confusion. I pray God preserve her. You at a distance cannot imagine how irreparable the losse would be.

Annandale.

114. JOHN, FIRST MARQUIS OF TWEEDDALE, Lord Chancellor, to WILLIAM, EARL OF ANNANDALE—The queen's condition.

London, December 27, 1694.

MY LORD,—I had tuo of yours which were at London befor me, the last dated the 20th, both which Secretary Johnstoun sent me yesternight from Kingsingtoun to Barnett, where we appointed to meet, but the queens condition is such (as I suppose yow have heard) that I could not see him till this morning. The physicians give her over, and think that she will not putt of this night, so that it is now no time for bussiness; only I find the secretary sufficiently sensible of the insolencie of those people, and others must be made so who have taken too great a burthen of them, I mean here; but since yow have fully informed the secretary we shall speak togither of that affair relating to the president of the councill.—I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

115. WILLIAM, TWELFTH LORD ROSS, to WILLIAM, EARL OF ANNANDALE—Illness and critical condition of the queen. 27th December [1694].

MY LORD,—It troubles me not a litle to have the sad occasion to tell you of the queens sicknes, which begun on Thursday last, and the smal pox appeared Sunday morning. It may please God to recover her (which al sorts of peple wish for), but the phesitians have no hopes, and the worst is expected every hour. God prevent it. Al things heir is therby stope. Our chancler came heir this day; we wer all going to meet him, but he sent befor requesting he might come to toun privatly by reason of this sad occasion, which accordingly we did. I never saw him look better. If any thing of worth falls out ye shal be acquainted by, my lord, your lordships most faithfull servant,

ROSSE.

London, December 27, 10 at night.

Since writting I am certanly informed the queen is a litle better.

For the Earle of Anandale.

116. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE
—Death of Queen Mary feared.

27 December [1694].

I CAN only tel you that since yesterday in the morning all hopes of the queen are lost. Its the small poxe and a purpre feavre. She has still her senses, and is well at the

heart, and may putt off till toomorrow, but that seemes all. The king takes the thing so impatiently that we may loose him too. He fainted twise or thrise tooday. He has had vexations but never grief. Gods will must be done, but things look dismally. The consequences of her death cannot be reckoned. The poor archbishop is happily gone before, for this would have made him a stock. She was the stay of his lyfe, and has shed many tears for his death. He was indeed one of the best men in the 3 kingdoms and the fittest to be archbishop, and she one of the best women and the fittest to be queen. When thus it fares with the green trees what will become of the dry? This seemes to be a turne of Providence, and will give rise to many thoughts. She bears all with a wonderfull constancy and presence of mind. Farewell.

117. JOHN, FIRST MARQUIS OF TWEEDDALE, Lord Chancellor, to WILLIAM,
EARL OF ANNANDALE—Death of Queen Mary.

London, December 28, 1694.

MY LORD,—This flying packett is sent to acquaint yow of the queen's removall last night between tuelve and one, a sad affliction to the king, and a severe blow to all his dominions, she being a most incomparable princess, and beloved of all her subjects above her equalls and all the crowned heads of her sex. I make no doubt yow will call a councill to order such things as are usuall upon such an occasion. The changing of the titles of wriggs will be necessary, and appointing the High Church king's seat and pulpitt, and other loftes, to be covered with mourning, and if any thing else be necessary it will be found in the records of councill.—My lord, your lordships most humble and faithfull servant,

TWEEDDALE.

118. THE SAME to THE SAME—The earl's election as president of the council,
and allowance for the king.

London, December 28, 1694.

MY LORD,—I hope yow will not be discouradged that the king hath not wrote to the councill his approbation of the election to preside in it, since yow know he well approves therof, and upon what yow have wrote an approbation had been gott if the sad interruption of the queens sickness and death had not fallen in, which hath so afflicted the king that he is not to be spoke to for some dayes.

I must now tell yow that the bussiness of the eight moneths cesse to be granted to the king is held up still as a great argument for bringing in the offerers to the government, and if this parliament will not do it to call another, wherin they shall have so great an interest as to do it effectually. Wherfor I desire yow will be pleased to give

me your opinion what is the outmost this parliament will be prevail'd with to grant the king, not only during the warre but during his life; because King James had during life when there was nothing but cesse to give for life. Now there being pole money, additionall excise, and cesse, I beseech yow speak with such as yow think fitt and proper, and lett me have your opinion fully without making it too publick, wherin there will be great inconvenience.—My lord, your lordships most humble and faithfull servant,

TWEEDDALE.

119. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
Distress of the king at the queen's death.

London, 28 December 1694.

PEOPLES concern for the queen is inexpressible, but none such as the kings. My Lord Portland and the archbishop upon her death caryed him to his own room, but he sleeps none. She said all along that she beleived she was dying since they all told her it was so, but that she felt nothing of it within. She had her senses to the last, and suffered very few moments or none at all. She received the sacrament, and told the archbishop that she had always been against trusting to deathbed repentance, and therfore had nothing to doe. The king says that she never offended him now in seventeen years time that they have been marryed. The lords address is yet stronger than the vote of the comons. The king is not to be spoke to, and so nothing could be writ by order. You'le remember that she was not a queen consort, but a regnant or soveraign queen, and so excepting the proclamation about a successor (which cannot be in this case), whatever was done upon King Charles the 2d's death seems necessary to be done now. I know not what to say now as to your coming up, since it may be long before wee can speak to the king, and the chancellor seems to think that writing may suffice. He has witten to you this night or others that which you will know; but allow me to tell you and them too that seceresie is absolutely necessary, and that whatever you resolve it's fitt the contrary rather appear than it. This puts me in mynd to beg of you in particular to be upon your guard. I should be very uneasy did I think that any body saw my letters to you. Farewell.

P.S.—As to Raith and Levins opposing Mr. Carstairs in the exchequer, I am apt to think its rather jugling than in good earnest.

Earl Annandale,

120. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE, to intimate the death of the queen to the council. 28th December 1694.

MY LORD,—I writ to you that you may communicate to the councill the publick calamity of the queen's death, which happened this morning at one a cloak. The councill will order what is fit and usuall to be done upon a king or queen's death, in so far as the same agrees with the present ease.—I am, my lord, your most humble and faithfull servant,

J. JOHNSTOUN.

28 December [1694].

Lord Annandale.

121. WILLIAM, TWELFTH LORD Ross, to WILLIAM, EARL OF ANNANDALE—About addresses to the king upon the death of the queen. 1st January 1695.

MY LORD,—Yours of the 22 past I receaved. As for that affair of Tranent ther is no noise of it heir ; nay, no bussines is thought upon heir. Your lordship never saw so great and general a greife as is occasioned by the death of our excellent queen. Yesterdy I saw the parliament adres to the king at Kinsinton ; but ye wold have admired to see a king and parliament both in tears, so that scarce any present could forbear. We are not yet certain whither the queens burial be priyat or publik. This day the city of London made ane adres also to the king. The city has ordered the king and queens statuas to be set up in the Royall Exchange. Ther is no other maner of neues. When any bussines is done I shal acquaint your lordship ; but our freinds with you should writ freely to the chanceler and thos about him what the parliament will doe if ther be no previous alterations.—I am, my lord, your lordships most faithfull servant,

Rosse.

London, 1st Januar 1695.

I wish your lordship a good new year.

122. [JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE]—About coming to London, and to send a letter of condolence on the death of the queen.

1st January [16]95.

THERE is nothing but cryeing still for the queen. He will be reconciled with the princesse. Some of you will be sent for. The chancellor says you cannot be spared. I have told him with all my heart, but then an approving letter and the escheat must

be graunted. On these conditions you will be easier if you stay. He is for Sir J. Maxwell (whom I scarcely know). The justice clerke and Sir J. Ogilvie writ to me Sir Johns caractere. The king, I am sure, will not hear of the advocat and chancellor both absent, otherwise the advocat its like would be called. If a letter to condole be usuall, pray get the councill to send one; and since there are many reasons against sending one with it, send it to the chancellor as the head of your boord to be delivered by him. You may assure your self that your bussinesse will not stick at me, but there is noe forcing things at this court, and I am perswaded there has been underhand dealing in the matter of the escheat. Some here (its like friends) have been written to that it was unjust and so have hindered it underhand, for there was noe difficulty in it at first. You must have patience. It was Southesk's ward.
Farewell.

Annandale.

123. ADDRESS of the PRIVY COUNCIL OF SCOTLAND to KING WILLIAM THE THIRD
on the death of his consort, Queen Mary. 2d January 1695. Copy.

MAY it please your sacred majestie,—So soon as by your majesties chancellor and secretarie for Scotland we had nottice of the deplorable removall of your majesties royll consort, our late gracious soveraigne, wee could not delay humbly to express our deep greiff and sorrow for your majesties unexpressible loss and the greivous strok that we and all others your majesties loyall and faithfull poeple, with the whole Protestant intrest, suffer by it. It is the Lords doing. But in this most sad calamitie we bless Almighty God, who preserves your sacred persone, to support us in it, and we most humblie and earnestly beseech him to continow long this happiness to us, and to all your poeple and allies. And farder, we doe with all sincirity, faithfull affectione and deuty, resolve and assure your majestie that we will defend, support, and mautaine your majesties persone, tyle and government against all your enemies at home and abroad with our lives and fortunes to the outmost; and that we shall be alwayes ready to receave and obey your royll commands as they shall be signified to us. And this our most humble address we have recommended to your chancellor now attending your royll persone to be presented to your majestie in our behalf, with all the submissione, duety and affectione that become, may it please your majestie, your majesties most loyall, most faithfull, and most obedient subjects and servants, (*sic subscriptitur*) ANANDALE P., ARGYLE, SOUTHERLAND, MORTON, CASSILLIS, LoTHIAN, LEIVEN, FORFAR, BREADALBANE, TARBAT, RAITH, CARMICHAELL, JA. STEUART, AD. COCKBURN, MR. FRANCES MUNTMGOMERY, LUDUVICK GRANT.

Edinburgh, 2d January 1695.

124. JOHN, FIRST MARQUIS OF TWEEDDALE to WILLIAM, EARL OF ANNANDALE—
That business is still being delayed at court.

London, January 5th, 169 $\frac{1}{3}$.

MY LORD,—It is with no small difficulty that any bussiness is gott done here at present, and this day the secretary and I have been togither at Kingsintoun about the tuo particulars of your concern, wherof he will give yow a full account, and I shall onlie adde to beseech your lordship to keep togither als many of the councill as yow may be assured will join with yow, with cheerfulness and alaerity, to go about the kings service, and what yow think fitt to represent by my lord justice-clerk and Sir John Maxwell, who are sent for, shall be with greatest care and diligence minded by, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

125. THE SAME to THE SAME—About addresses of condolence to the king on
the queen's death.

London, January 12th, 1695.

MY LORD,—This morning I delivered the counells letter to his majestie, nor could I sooner, none having access to him befor Wednesday last, save my Lord Portland—not the bedchamber man in waiting—and the tuo houses of parliament and city of London, who addressed last week. The king said he would answer it, nor could I expect any more, the reading of such letters alwayes renewing his grieve. The materialls of the letter and what the councill hath done upon this occasion are putt in the gazette, which letts all men see that the Scots councill are not behind any others his majesties subjects in expressing the deep sence they have of the losse the king hath, and all his dominions. This I have done in obedience to the counells commands, which I desire yow to communicat to them, and I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

126. WILLIAM, TWELFTH LORD Ross [to WILLIAM, EARL OF ANNANDALE]—That no business had been done by the king since the queen's death. 12th January [1695].

MY LORD,—Yours I receaved last post. Ther is no bussines done heir by the king yet since the queens death, but important affairs that [can] not be delayed. The chanceler hes not yet seen the king, but is to present the counells adres this day. I wish your adres had been better worded, for hear some words are quaraled as not so proper as neded. The chanceler seems yet fair in our bussines. I belive the parliament will be adjourned till the midle of March. So soon as bussines begins to be

spoken of I shal acquaint you hou things are like to goe. Ther is some jealousie among some of us heir ; after I shal give you better account of it. Ye knou who are to come from you to us heir befor this. If Whitlaw could have posted up, he wold have been sent for, but instruct thos that come weal, which I hope will help on bussines weall. Ye will see all the adreses in the gaset, so I need not trouble you with them. Ther is a report since yesterday, and it comes from the Jacobins, that the French king is dead, but sure it is he is very ill : time will let us know more. Brigadir Steuart told me last day he is ordered to the Straits with 6 regiments and 1400 of the marins. Its expected thos, with what seamen Russel can spare, will go touards Provenc, and bombard Marseils or Nice, and perhaps joyn ther the Duke of Savoy. When any thing els occurs your lordship shal be acquainted by, my dear lord,
your most faithfull humble servant,

ROSSE.

London, 12 Januar.

**127. JOHN, FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE—
Of the presidency of the council and dies to be cut for seals, etc.**

London, January 15, 1695.

MY LORD,—Having spoke to the king, after deliverie of the councill's letter, of the approbation, the delay whereof being taken notice of made some noise, he was pleased to say he would do it, and the letter being at London it was not gott signed till late at night, but was sent away by the secretary that night, wherby I hope you will be at more ease. The princess hath been with the king yesterday afternoon for halfe an hour, but I do not hear that any else do adventure to trouble him with bussiness, save only what papers are necessary to sign them.

It will be fitt to lett us know whither the seals can be engraven in Scotland or not, for we hear there is on who engraves the stamps for the money. If not he must grave them here who did it formerlie, and the king's warrand must be gott for either ; the sooner we have them done it will be the better. But yow did well to allow them to be made use of till the king gave orders for making others.—I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

**128. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—To
bear his disappointments with unconcern.**

15th January [1695].

You satisfie me that Pringle is not fit. Pray think on a man. I know none. I wrot to you not to say any thing in my name about the ministers. They have mended the appearances as well as they can. This repairs not the bad effects of what is

done, but there is noe help for that. Time will discover if there be underhandedealing. You understand right both the chancellor and your own circumstances with relation to this court. Doe noe suddain nor passionate thing that would but lessen you both to the court and nation. But you have reason to shew that you are unconcerned tho you never stand but on your own legs : you are happy that you have such legs. However, keep all within your own breast and give noe handle against you, I mean to your enemies, to make you passe for a hott, indiscreet man, as they blast all people who have too much spirit to be either tools or cyphers. We shall quickly see how the guise will goe. I am satisfied the chancellor did not desire you up because he thought others would be more in his hands. But its as true that tho that had not been he would not have had you up from the dread that Melvill might have presided. Farewell.

Earl Annaudale.

129. THE SAME to THE SAME—The propriety of waiting calmly for events, etc.

17 January [1695].

I HAVE nothing to writ but still to exhort you to look on with patience, for possibly things will goe very well, and I doubt not but time and your own capacity and weight will doe your business, and however you will quickly see clear, and may resolve on the future, whereas now you and I are in the dark, and by appearing may anticipate and hinder what we would have, and may be coming, for ought we know. Consider how I and the chancellor came in when we least expected it, and how Lithgoe, the piteht on to be chancellor, lost it by his foolish anger and talke because he thought he was not to be it. This court is all misterye. My Lord Marlborough thought himself well, at least that morning, and was turned out of all by noon. Others have had their commissions torn for railing that they were refused them. I hope this moneth shall over without businesse. Sir Thomas Livingston is nou plain with me that he desires to stay and shall stay. It will sinck him with the king, but that is his concerne. The true expedient to reconcile all were that he goe for June, July, August only, for I know that by staying he will have noe more weight, and so the publick looses at the long run. Farewell.

Annandale.

130. [THE SAME] to THE SAME—About his brother, Ferguson the plotter, and others.

London, 19 January 1695.

THER are some libells printed by Fergusson against Secretary Trenchard. Some of them, no doubt, will be sent to Scotland ; and because my brother and I are in them its fit you know the truth, because amongst strangers *aliquid alherebit*. I am accused of concerting the Lancashire plott with that secretary and sending him the witnesses ;

but the truth is, neither I nor my brother had directly nor indirectly any concern in that affair, nor did wee know the names of the witnesses but by the publick news. My brother refused to my Lord Shrewsbury to medle in it, and neither he nor Mr. Trenchard trusted me with the matter, or it had not gone as it has gone, for I knew that whole matter before they knew it, and upon better grounds, as you may see by what I say in the printed sheets with Payn's letters. Then I am accused of giving mony to informers. I own that I am sory I have it not to give, and that now in three years time that I have been secretary I have had but 28 pound for secret ser-vices. I did indeed give mony about the time of la Hogue, and discovered that bussines, but I despaired of getting that mony again, and I do not remember that I have given any now near these two years. It is a shame that this should be true of a man in my post, whose cheif bussines at such times as these should be to discover and prevent bad designes. But so it is as I tell you. Then ther are tuo or three pages of discourse betwixt me and one Drumond, an officer of Strathnavers, whom I should have been sub-borning to swear against Fountain, and I know not who. All this is pure forgery without culour or pretence. I knew nothing of it till I read it. He now tells the truth himself, that it was my Lord Shrewsbury that he was with, who gave him ten pound for his charges and dismisst him. As to my brother, your freind Sir William Lockhart and others had accused me for corresponding with Fergusson and Sir James Montgumery when I was at Brandebourg. The thing was false ; for I never wrot to the one in my life, and but one letter to the other then, which was never answered. However, this went so far that my pacquets were broke open at my Lord Nottinghams office. The notice I had of this put me on my guard, and so when I came to be secre-tary I was not surprised to find a great many informations brought me against Sir James Montgumery and Fergisson and others, but concluded that it was designed for a trapan by Halside and greater folks. Upon which I desired my brother to carry all informations of practices in England, whether probable or improbable, to the English secretarys, whom I told that I expected the same favour from them with relation to Scotland, and this I bid him do without troubling me with such matters. Thus his meddling began at first with Nottingham, then with Trenchard and Shrewsbury, and often with Portland, by whose order particularly he laid out a great dale of mony. For they finding him closs forced him upon enquiries. He has since with much diffi-culty had the mony that he laid out by order, and that is all. He never had the value of a pair of gloves by the bussines, which he persisted in meerly that he might not disoblige them, but told them that it was not his bussines, and has given it over a hundredth times ; but when others could not do a job he was sent for again, and must either lose the kings favour and the hopes of being provided with some good post, or obey. So much is truth, and he may own it to all the world, for we in the posts of secretary must do such

bussinesses, and in effect he did ours. But instead of mentioning this, which is true but which they do not know, they fall upon him for the Lancashire plott, which I told you he was no way concerned in. Then they accuse him of a great many forgeries in his amour with Perrer. He was then 16 years old, was marryed to her, lay with her 18 months, proved the marriage by 65 of her letters, her mothers and servants oaths, and a great many witnesses. But he having spent a great dale of his freinds mony as you have heard (for which nothing but youth and love can excuse him), was put in prison by his creditors at the instigation of the father, who being a rich man bought off the servants, and ventured to marry his daughter to another before the sute came to an issue. Now, to give you a taste of Fergusson, two years agoe the same bussines being talked of, I asked him the truth. He told me that no man knew it so well as he, because he and Dr. Owen were the men that had mett for my brother with Mrs. Perrers freinds ; that ther was nothing bad on my brothers side but his spending a great dale of his freinds mony ; that Perrer was in the wrong first and last, and that he declared so much on deathbed. Then, tho' the Lancashire bussines, as all the world knows, was carryed on entirely in Shrewsbury's office, and that Trenchard was in the country at that time seing his brother dye, yet he excuses Shrewsbury and throws that whole matter upon Trenchard. My Lord Shrewsbury says that he had much rather be railled at by him than praised by him. Ther are whole sheets such unmixed forgery, that ther never was nor is so much as a culour for it. He wrot the book to prove that Essex was murdered, and now accuses the Whiggs of that calumny. He has sent his daughter to tell my brother that both he and the author are now sensible that they have wronged both him and me and are mighty sory for it. My brother bid tell him that he was a rascall and the author himself. She fell a crying. To shew his gratitude, I sent him 10 guineas when he was starving at Amsterdam, and when I had not 20 behind, and the last winter I sent for him to his brothers chamber, the only time that I remember to have seen him these two years. I used many arguments to make him wise. He seemed to give ear to them. He advised me to keep my brother from meddling. I told him that he meddled very little and should abstain, if not in so far as it was the duty of my post, to send the English offices any informations about England that came to me. He complained of his necessities, upon which I gave him what gold I had about me—5, 6, or 7 guineas—and promised him more. Besides all this he knows I have done him a kindness of a higher nature, which I am ashamed to own. Lord, what shall our poor Scots men do that come to England for a fortune ! Little Murray, with all his religion, is a . . . and Fergusson, after so much noise, does thus publish himself an infamous rascall. Ther is another, too, who has been much upon the stage of late ; he will quickly appear another Fergusson. I writ all this that it may be known. Farewell.

131. THE SAME to THE SAME—About the grief of the king for the queen's death.

London, 24 January [1695].

I HAVE had two of yours. I give yours to my Lord Portland about the deserters, with my opinion in writing that such deserters ought to be delivered to the Flanders officers as a part of the draught. Thus the publick faith will be kept to the Scotch officers, and men will not be encouraged to desert from Flanders. My colleague (to whom you should have written) has noe doubt got or will get an answer. I desird it should be so, for I could not that day wait on. The king is at Richmond, but will appear in public here on Sunday. Last Sunday he sent for the bishop of Salisbury, who was with him an hour. The king was very kind to him, and said that he would never forget the queens love to him (the bishop), and his to her. They weeped both about an hour. Its strange that a man of such an undaunted mind with respect to his own death should be thus subdued with the death of another. I wish you could be lesse concerned either with mortifications or approbations. Tyme and bussinesse will bring you to that. However, a man can doe much upon his own mind, if he resolve to mould it into a steady temper. In your angry letter you blamed the chancellor for promising you the approbation. He was indeed to blame for promising it, and you for believing him, for nothing is certain here till it be done. As for the ministers, Mr. Cumin has been passive, the other two can never be justified. They have acted as tools or fools at least. I have been plain enough to them. Be assured I stand upon noe mans leggs but my own, and therefor, as to my own personall interest, doe not care how they doe. I am at noe mans reverence, but others are at mine. My Lord Portland neither has done nor does bussinesse with me. He says to me he will not medle. I wish he would take time to it and medle. He is an honest man. The late archbishop did our church bussinesse as well as he could get it done. This is moderate too. Farewell.

Annandale.

132. JOHN, FIRST MARQUIS OF TWEEDDALE to WILLIAM, EARL OF ANNANDALE—
Narrating the presentation of the letter of condolence from the privy council of Scotland to the king.

London, January 24th, 1695.

MY LORD,—I have yours of the 17, with the copy of the Master of Stairs his letter to the councill, which did not a little surprize me, much more being said in it then there was ground for; and that it may appear that I omitted nothing, I shall give yow

an account of all that past. The king having allowed me to wait upon him that morning, as I was called in, Secretary Stairs followed me in officiouslie without being called, I suppose that he might have an opportunity to deliver the lords of the sessions letter, which he could not have had if he had missed that, and, he following me in, Secretary Johnstoun followed him. After I had kissed the kings hand, I spoke a verrie few words to him of my oun sence of his losse, and finding the king a litle moved with what I said, I told him I had an addresse from his privie councill of Scotland upon this occasion to present to him, and took out the letter and gave it him. As I remember, he said he took it kindlie, and would give it an answer, and then delivered it to his secretary-in-waiting, who delivered the lords of the sessions addresse to him, and said it was upon the same occasion, and so did Secretary Johnstoun the addresse from the city of Edinburgh. Thereafter I stepped forward to the king, and represented to him the necessity of his signifieng his approbation of what the councill had done; that it was according to the commission which was read in councill befor the election, that there was none ever pretended to supply the chair but as elected, nor did any at this time, nor could the officers of state as such, the chancellor and treasurer being tuo, and five of them usually gentlemen who never presided in councill, which consists most of the nobility; upon which the king only said to me, "Send me a letter and I shall sign it." Secretary Stairs heard nothing of this, and therfor might write the more confidentlie, that the tenderness of his majestie's grieve hath not allowed him hitherto to sign letters or do bussiness.

This is all that past, and I had the letter of approbation, supersigned by the king, sent me at eleven a clock at night, and happily Secretary Johnstoun gott it sent by the packett that night. I thought I had wrote eneugh on this subject, but the secretary having enlarged so much in the account he gives for me, which, I suppose, was not so proper for him to do, I shall be content your lordship show this to any of the councill yow please, from, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

133. ADAM COCKBURN, of Ormiston, Lord Justice-Clerk, to WILLIAM, EARL OF ANNANDALE—About his journey to London, and the progress of Scottish business.

London, 31 January [16]9 $\frac{4}{5}$.

MY LORD,—Last night we arryved all safe here, which was sooner then I doe beleive ever this journy was made in such weather. They did not exspect us for some days, but they tell us good news that the sooner we are come we are to be the sooner sent home again. I have not yet been att court, the rest not being ready till tomorrow. I find the chancellor had ane audience Munday last, which was the first. I learne

nothing as yet but generalls. He seems dissatisfied with the maner of sending doun and delivering the letter in answer to that of the councells of condoleans. This month is att ane end. Your lordship will have heard of the speeches made in the house of lords, Friday last, by the Earl of Nottingham, seconded by Rochester, and answered by Godolphin. Its good for men to appear in there own colours. I doe beleeve you will find nothing done in Scots matters but things that goe in course ; but we must hear from you ere we cane know what this month has wrought.—I am, my lord, your lordships most humble servant,

AD. COKBURNE.

134. SIR JAMES OGILVIE [to WILLIAM, EARL OF ANNANDALE]—Mentioning the earl's appointment as president.

London, Februarie 5, 1695.

MY LORD,—I have not as yet had the honor to hear from your lordship ; yet from time to time I will not neglect to acquaint you of what passes hier. As yet nothing is done in our affairs. The king hes been att Ritchmond, and goes ther again this week. You will have the adjournment of the parlament verie quicklie. The secritarie is just nou att court about it. Sir Thomas Livingston is also ther about the concerns of the armie. The chancelour continous firm, and I am hopful our affairs will goe weal. Secritarie Stair is concerned to knou hou the letter confirming your being præsident was obtained, for tho he was in waiting he knew not of it.—I am, my lord, your lordships most faithful servant,

JA. OGILVIE.

135. SIR THOMAS LIVINGSTONE to WILLIAM, EARL OF ANNANDALE—About the Master of Stair and deserters from the army, etc. 5th February 1695.

MY LORD,—I kno no certainty as yit as to my going or staing, but tomorrow I suppos I may kno some moor of it. My being in Seotland creates me a great menny enimys, and menny would fain have somting to ly to my charge could the but fynd it. But I ame in defiance of them all, especially he that is theer nou verry busse to see what he can pick op. He is ane emisaire of some people heer, but better can not be expectet when the skum of a nation is imploied. This last is boren the sone of a blynd ealhouse creeper at Inderroerie, who never did anny thing to deserve what he heath save by telling litel storris and leys, of witchs he is full. We are as to other affairs yit in good hops. Patiens overcomes all, witchs if your lordship can but resolve toe at this tyme, I doubt not but you wil wedder anny point that seems nou somewhat dificulte.

It is a tour de son metié, as the Frens call it, witchs the Master of Staires heath plaid as to the delyvering op of the deserteurs out of the regiments in Seotland, and

certainly it wil drau deep, so as I have not seen in anny thing done in relation to the forceis sins I cam to Scotlant. I doe not kno whedther it shal be got redresset, but if not, theer shal be no moor regiments in Scotlant of foot during this warre. I have no moor to ad. Wisching your lordship all helth and happines, I remain, my lord, your lordships most humble and faithful,

T. LIVINGSTONE.

By the nixt post your lordship shal heer moor ful of bussinis. My Lord Carmichael shal fynd my humble service heer. I suppoos you are not muts crowded at Greahems.

London, Februar 5, 1695.

136. [JAMES JOHNSTONE, Secretary of State], to WILLIAM, EARL OF ANNANDALE—
Complaints against his fellow-secretary.

London, 7th February 1695.

I CANNOT at present answer any of your letters, only I am glade that my neighbour bewrayes his weakness and passion as he does in his letter to you. I have it, too, under his hand that Payn's plott was a forgery even after the parliament had voted it, and I have seen his about Glenco bussines. That I would rather be as low as the center than have writen. You have done well not to answer him, but it shall not go so. Pray send me the originall; for about the end of my month I shall have a natural oportunity to show it to the king, for I'le tell him that the president of his councell will not writ to his secretary, or can be desired to do it. Sir Thomas and I have been an hour and a half with the king to-day. He was mighty fair and easy. The vacancys are all filled as well as we could, as Henry Dowglas will inform you. None of us would speak for Arnot, otherwise he might have been saved. But it is a fowl, shamefull bussiness. All I said for him was, that if he behaved himself well when he was broke, he might after some time be taken in again, but that examples seem'd necessary. Fergusson has made M'Kay a favourite, but has been heavy on my Lord Murray. Wee supported him as well as wee could without prevaricating. I remembered and mentioned his honesty in the Restitution affair. Tb: letter to the councell was dictated in heast, and when I was at dinner, but I think it is plain enough that the king does not intend that any deserters should be restored without mony or beyond the number of the draught. Advise the colonells to comply frankly in giving the draught, and when they have done that they may ask a longer time than tuo months for recruiting and such other eases as seem reasonable. The king said over and over again that Scotland would be in no danger this sumer. Sir Thomas stays till the parliament be over, and may be kept then too if that be found adviseable. The Lord Leven has lost his cause about his gunner. It's said that family will have greater losses. Farewell.

Earl Annandale.

137. JOHN, FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE—
As to arrangements about the army.

London, February 12th, 1695.

MY LORD,—I have yours of the last of January, and have seen the copy of Secretary Stair's his letter to yow, which I confesse surprized me. Befor his moneth went out he had procured from the king an answer to the councill's letter anent deserters, which I make no doubt would not a little perplex the councill, and sending it home without acquainting any body with it but as it drop't from others who had heard therof. The king was spoke to, and having at length heard the secretary and Sir Thomas Levistoun upon the affair, his majestic hath been pleased to explain more fully his pleasure in that matter, and hath ordered Sir Thomas Levistoun to hast doun that he may give his assistance to the draughts which are to be made, whom, I hope, he will also leive this summer in Scotland, or at least untill the condition of the forces be in some better order, and so setled that his absenc for a moneth or tuo may be better dispensed with then it can now be for so many weeks. I think myselfe much oblidged by your resentment of the insolence committed by Captain Campbell, which, perchance, was not fitt to be complained of at this time, but may be at another.—I am, your most affectionat and humble servant,

TWEEDDALE.

138. SIR THOMAS LIVINGSTONE to WILLIAM, EARL OF ANNANDALE—In reference to
the draughts of soldiers for Flanders. 12th February 1695.

MY LORD,—You wil thinck strange that as yit we are heer in the darck as to the most of bussiniss, daily expecting to see the event, but as yit theer is nothing clear. Stil we hope the best.

I have werit to my Lord Jedbrug concerning Campbells behavior, witchs is, I thinck, the rudest bussiniss that ever I heerd of. If theer be no reparatiō given it wil go further. I wisch it may be over befoor I come, witchs, I supposo, wil be towards the end of this moneth, in order to make ready for Flanders.

M^cKay is migtely alarmet at his regiments being at Edinburgh. I thinck it had been as weel that no regiment had removud until the draught ware over, for if thee mартech att his tyme thee are apprehensive of being all to be shippet. Thoos great draugs wil make the regiments verry weak, so that our army shal but bee smal the nixt summer in Scotlant. The post goos of, so shal give your lordship no further trobel, but always remain, my lord, your lordships most humbl obedient servent,

T. LIVINGSTONE.

London, Februar 12, 1695.

139. ADAM COCKBURN, Lord Justice-Clerk, to WILLIAM, EARL OF ANNANDALE—
Of his audience with the king, and progress of Scottish business at court.

London, 16 February [16]9 $\frac{4}{5}$.

MY LORD,—I gave ane short account of our audience on Thursday. I have not been with the king since, but was above two hours this day with my Lord Portland, and spoke fully to him both of men and things, and your lordship had that justice done you I was capable to doe. Nixt week we exspect publick matters will be more particularly spoke to. The Earl of Lithgo is not wanting so far as he came with his assurances and protestations to be a vpright man, and will save himself if promises will doe it, fall how will. The chancellor is firme as yet for any thing I can see. Ther is no appearance of his going in to the Dalrimitives, only he is sparing to name persons, but that shall not be forgotten goe matters as they will. For my pairt I shall exoner my self, and I doe beleieve others will doe soe too, but none cane give any judgement of things as yet. I hope you will continow your good opinion of me, which is and shall be duely valued by, my lord, your lordships most humble servant,

AD. COKBURNE.

I doe not writt to your lordship and my Lord Carmichael by one post.

140. THE SAME to THE SAME—About the session of parliament.

London, 21 February [16]9 $\frac{4}{5}$.

MY LORD,—As yet nothing done in our publick affairs. The secretarie has been twice this week with the king about privatt bussines, so that they beginne to talk as if our parliament could nott sitt the 21 of Merch. They have vented a story here, as if we who came last vp had given assurances that the parliament would give mony whether there were changes or not, and that vpon this the resolution is taken to make no changes. For my self I never was nor never shall be a undertaker were I clear in the matter, and for the other two gentlemen they were coached with Portland in from Kingsintoun. I doe beleieve they gave no ground for such a story, but rather to the contrary. However, the story is lyke to grow warme, and I hope again nixt post you shall have a fuller account from, my lord, your most humble servant,

AD. COKBURNE.

141. JOHN, FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE
—The Duke of Gordon : Engraving of the dies for the coinage.

London, February 23rd, 1695.

MY LORD,—I suppose the secretary wrote to your lordship by the last post that the king had allowed the Duke of Gordoun liberty for 3 moneths more, being to the first of June ; but his majestie being gone to Richmond yesterday befor the warrant could be gott ready, it cannot be gott sent till Twesday next, but I hope it may be supplied by continwing his bond upon his consent thereto for a few dayes till the warrand come, to save the councells trouble, and his disquiet.

Secretary Stairs having acquainted me a moneth agoe that on Clerk who made the stamps in the coinzie house was recommended to him for engraving the seals, and said he inclined to send for him, which I was against, because of the losse of time, and therfor wrote to your lordship to enquire about him, and desired others to gett a sight of his work, and having from your lordship and all of them, sufficient testimony of his ability, I sent to Secretary Stairs again to know if he had sent the kings warrand, which he said was subscrib'd to a blank person till he should hear from the councell, and being apprehensive that nothing is done therin, I desire your lordship to lett me know, and I am, my lord, your most affectionat and humble servant,

TWEEDDALE.

142. SIR JAMES OGILVIE, afterwards EARL OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE — Of the prospects of their party gaining the king's confidence.

London, Februarie 26, [16]95.

MY LORD,—Thes tuo weeks past wee have been using our endeavours to bring affaers to ane close, bot I most acknouledge, with no success. I am afraied nothing will be done befor the sitting of the parliament. What effects this may have I cannot determin. This moneth is att ane end, and none of the instructions are drauen, and yet it is probable the parlament will sitt in the begining of April. It is told us the king trusts us and hes no confidenc in the other pairtie, and that wee will at last prævail if wee have patience. I cannot wreat fullie, it being nou leat. The chancelour was this night near tuo hours with the king, and Seeritarrie Johnston is appointed to attend the morous morning, and I am to be with my Lord Portland. I believe by the next wee will be able to give ane accompt hou affaers will goe. Adieu.

143. THE SAME to THE SAME—The justice-clerk had been with the Earl of Portland.

London, Februarie 28, [16]95.

MY LORD,—I did with Secritarie Johnston revise the state of the competititon betuixt your lordship and the other creditors of Home. I know nothing can nou hinder the obtaining your gift, and I doubt not it is past; bot I cannot be positive, not having seen the secritarie since he came from court. Wee meet with great dificultie in the publict business, and I cannot be positive as to the event, bot I am afraied nothing will be got done as wee would have it. I know not what time may doe. The chancelour is firm; Secritarie Johnston will have ane particular audience verie quiklie about parliament affaers. The justice-clerk was with Portland yesternight, and hes again fulie informed him of the state of the nation. I am to be called to speak with him somtime the morou. You shal have full information att meeting of all passes, and in the mean time, so far as I am capable, your lordship may be assured of the sincer service of, my lord, your lordships most faithful and most humble servant,

J.A. OGILVIE.

144. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE
—Lord Aboyne released. 2d March 1695.

MY LORD,—It is the king's pleasure (which you will communicate to the councill) that Mr. Fordyce, the priest, be allowed to goe north (his baill continuing), and that he bring with him to my Lord Strathmors such persons and papers as are necessary for clearing with my Lord Aboyn his private affaers, which being done, that the said Fordyce be shipped for beyond seas, and that upon the notice of his landing, my Lord Aboyns confiuement be taken off, my Lord Strathmor still continuing baill for his peaceable behaviour.—I am, with all respect, my lord, your most faithfull and humble servant,

J. JOHNSTOUN.

London, 2 March, 95.

Earl Annandale.

145. HANS WILLIAM BENTINCK, FIRST EARL OF PORTLAND, to WILLIAM, EARL OF ANNANDALE—Congratulating him on being appointed president of the council.

Kensington, ce $\frac{4}{4}$ Mars [1695].

MONSIEUR,—Je ne crois pas que vous soyez surpris de ce que je n'ay pas repondu plustost a celle que vous m'avez fait l'honneur de m'escrire quelques mois passés.

Nostre vive douleur pour une si grande perte n'est qu'une trop juste excuse pour mon silence. Le veritable sens que vous avez temoigné tousjours, monsieur, de ce qui c'est passé par si devant et le zele que vous avez temoigné du depuis, a donné cette impression au roy que vous avez veu qu'il n'a^t pas hésité a approuver le choix que le conseil avoit faict de vous pour presider dans leurs assemblée. Je vous felicite de cette marque de distinction, et vous asseure que j'en ay de la joye baueoup, et que dans toutes les occasions je seray tres aise de vous pouvoir temoigner combien je suis, monsieur, vostre tres humble et tres obeissant serviteur,

PORTLAND.

M. Lord Annandale.

146. SIR JAMES OGILVIE [to WILLIAM, EARL OF ANNANDALE]—Funeral of Queen Mary.

London, March 5, 1695.

MY LORD,—I have been againe with my Lord Portland since I wrot last, and I haue fullie argued our affairs with him, bot al to litel purpose. He acknouledges it to be truth what we aleadge of some men in the government, bot sayes he thinks not this ane fitt time to press cheanges ; this is al as yet is done. This week I belive the king will not medle in business, for you know this day the queens funeralls wer performed. Ther was neaver queen more regraited, and the parliament hes spaired no expense requisit on this occasion. When any thing occurs worthie of your lordships notice, you shal have ane accompt of it from, my lord, your lordships most faithful servant,

JA. OGILVIE.

147. ADAM COCKBURN, of Ormiston, Lord Justice-Clerk, to WILLIAM, EARL OF ANNAN-DALE—That the time of the meeting of parliament is yet undetermined, etc.

London, 7 March [16]9⁴₅.

MY LORD,—All I cane say of our affairs is that nothing is yet done. Efforts have been vsed since this month begane to have the dyett of our parliament determined to be the begining of April, but nothing yet concluded, and to delay it longer will be for our advantage. What more strange then men to be beleived as bade, as you and I knows them to be, and yet such difficulty to lay them aside from any farther trust ; but we must say, Nothing strange in this world. I see nothing but the chancellor and my fellow travellors continow firme. No doubt there are abundance of lies spread on purpose with you, and no wonder, for though the mother be dead the father and many sons are yet alive. I shall expect your lordship and other honest men will continow their good opinion of me, and I'm satisfyed it's not idle stories will make me loose it.

—I am, my lord, your lordships most humble servant,

AD. COKBURNE.

148. THE SAME TO THE SAME—The dismissal of Sir John Trevor, speaker of the House of Commons, and choice of his successor.

London, 14 March [16]9⁴₅.

MY LORD,—Tewsdays votes would let you know what circumstances the speaker of the house of commons was in. They made him sitt that day, and they not only directed all their speeches to him, saying, Mr. Speaker, Sir John Trevor is guilty of this and this, and so abused him to his face, but made him state the question against himself. Yesterday he sent them a letter excusing his not attendance, for he was taken ill, but would waitt of them this day, so they ajourned. This day they mett, where he found it not convenient to come ; he sent the maess. So they proceeded to choose a speaker. Two were sett vp, Mr. Paul Foley and Sir Thomas Littleton, both good men. The last would a caried it, but unluckily Mr. Whartoun, the controller, told the hous the king recommended him. This lost it, and the former caried it by 33 votes. Thus is this parliament come from a violent tory, and otherways no good man, to a great whigg. It's thought Sir John Trevor will be turned out of his place as master of the rolls, which is 5000 lib. sterling a year. What would my Lord Whitlaw give to have a fair votte stated vpon the transaction between a chairman and the bishop of Galloways executors ; I question nothing but it would goe right. I hear the ajournement of our parliament came not down last post, though the chancellor came straight with the orders from the king to the Master of Stair. They would gladly a had a shorter day. This day the Lord Belhaven is pairted with the York coach. He is well looked on by the king, but has gott nothing as yet. What hath made him paire so soon I know not, except it be to prepare members for the parliament.—I am, my lord, your lordships most humble servant,

AD. COKEBURN.

Nothing done yet in our affairs.

My Lord,—Allow this to give my humble service to my Lord Carmichael, Sir Thomas Livingstoun, and my Lord Whitlaw.

149. JOHN, FIRST MARQUIS OF TWEEDDALE, TO WILLIAM, EARL OF ANNANDALE,—
About Secretary Stair's letter ; the prorogation of parliament, etc.

London, March 23rd, 1695.

MY LORD,—I have the honour of so many oblidging letters from yow that I must ask your pardon if I have omitted to answer any of them, especially that relating to your forbearing to write to the secretary in waiting this moneth, which I could not give yow any account befor now that I had the opportunitie to shew the letter yow had

sent to the secretary, which was a just and reasonable cause of that your resolution. The king read it word by word himselfe, and said he had never seen such a letter, nor on begun in that maner, and appeared satisfied with your resolution therupon. And be assured yow are in his favour als much as yow can desire ; for this day upon another occasion he expressed his just esteem and favour for yow, of which I hope yow shall find good effect.

I cannot but well approve of the councill referring the bussiness of transactions between the farmers of the pole or any in their names for the countrey, and I am glad it was carried by your vote, which makes appear that pains had been taken to have it determined in councill. The farmers are ordered to go home, and can gett no more done here.

The tuo ministers are gone from this this day, and could prevail no further then that the adjournment should be short—to the fourteenth of Julie. The king is upon our affairs twice a week, and they begin to advance, but are come to no conclusion, so that I doubt there shal need another adjournment of our parliament, the design of concluding all our affairs this moneth being frustrated ; and I hope some such like shall be frustrated which are on foot, wherof yow will have an account from other hands.— I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

150. THE SAME TO THE SAME—Letter from the council about clipped money,
adjournment of the parliament, etc.

London, March 26th, 1695.

MY LORD,—I had yours of the 22 with the flying packett, and the letter to the king enclosed, this morning, and went immediatly to Kingsintoun, and had only the opportunity to tell his majestie that I had a letter from the councill to him ; he asked to what purpose, I told him about the coming in of clipped money, and carrieng out of our own current coin, which would prove of great consequence, and needed a speedy return. He said this afternoon was his letter day for Flanders, and to-morrow morning he would fully hear the affair, at which time I shall give him an account of what is materiall in yours.

The changing of the day of the last adjournment was not much worth the noticing, tho it seems some pains was taken in it that they might have some papers dispatched in this moneth, wherof the disappointment and what may follow will have a quite contrary effect, as such litle pitifull arts have to the hurt and prejudice of those who use them ; and your lordships behavior doth recommend yow as worthy of the trust yow have in his majesties service, which shall be so represented by, my lord, your lordships most affectionat and faithfull servant,

TWEEDDALE.

151. ADAM COCKBURN, of Ormiston, Lord Justice-Clerk, to WILLIAM, EARL OF ANNANDALE—About the progress of affairs at court, etc.

London, 26 Merch [16]95.

MY LORD,—I had your lordships this day by the flying packett, and I doe beleeve any orders cane come from this about the clipt mony, the preventing it's importing from Ingland, will come too laitt. The chancellor is to be with the king to-morow about it. Saturday last I was nere ane hour with the king, where, I hope, I honestly disburdened my mind. Your lordship had that share was due to you. His majesty heard me with patience, and seemed not ill satisfyed with my plaines. What he will doe, that I beleeve no man knows, but I shall leave it to your lordship to judge if matters cane be concluded this week, for nothing is as yet. To-morow afternoon the thesaurie sitts at Kensingtoun. Thursday there is a review in the morning of some regiments of horse and dragoons; afternoon, councell; and Friday, his majesty goes for Richmond, and returnes Saturday night. This day my Lord Stair, as the king went in to dinner, desired ane audience; the answer was given—I cannot possibly to-day. It's said his lordship intends for the Baths. Indeed, the hous of commons have laid down preparatives for inquiring into undue takeing of mony. They have this day expelled the hous and declared uncapable of ever being a member again, one for takeing 20 gueenes. He is a lawyer, and said he had consulted the orphans bill, but it was true, he beleaved, they gave him the more that he was chairman of the committee that brought in the bill. This did his bussines. What would some of our lawyers say if this inquiry should come amongst us.

I am not a litle troubled that some good men, whom I know your lordship means in yours, should by there frequencie and familiarity somewhere a given some ground of jealousie to honest men. I have endeavoured to take them off that way, so fare as was in my power. My lord, it shall be my study to deserve your lordships good opinion of me, and keep firme to honest men, come what will.—I am, my lord,
your lordships most humble servant,

AD. COKEBURN.

152. THE SAME to THE SAME—About the progress of Scottish business at court.

London, 2d Aprill [16]95.

MY LORD,—The alarum about our kirkmen comes very warme from among you. It seems some men with you cannot keep their owne secreet. The Master of Stairs denys he gave Bradalban any commission to treat with the advocat, but that Bradalban

wrott to him that he had spoke to the advocat, who desired he might be baill to the Master for him, and that the Master would speak with Mr. Carstairs. Besides, the Master says the ministers have yeelded nothing to them. Only Linlithgow and he are gone in to them, and approove of their measures. *Crede quod habes et habes.* Linlithgow has told the king that the chancellor would needs have the parliament ajourned to a new day, and the chancellor has had the cold, so that he hass not been out these three days, which has trysted ill, for the king begins to think that it's a designe, and thow a new ajournment must be, yet the king thinks this a forcing him to it. But the chancellor will be out to-morow, and I shall be glade we come then to know our dyet. How fare there has been any concert about instructions, that has done no prejudice, for I know no man has altered his opinion as to the necessity of changes, and men cannot be plainer on that head. Your lordship knows I had no great feast of this journy, and never a poor man was wearyer of a place then I am here. Its thought the parliament here will speedyly come to a close. They cannot now have the time to try into the mistery of that iniquity of undue takeing of mony, but there never was a time wherin that vice did more abound. I pray God bring knaves and their works more to light, and incress the number of honest men.—I am, my lord, your lordships most humble servant,

AD. COKBURNE.

153. THE SAME TO THE SAME—Mr. Pringle to be under secretary.

London, 9 April [16]95.

MY LORD,—Yesterday Mr. Pringle was presented by the chancellor and kissed the kings hand as undersecretarie, and his majesty ordered he should make ready to goe over with him. The Master of Stair had not so much concerne in this choice as once to be ask't if he had any objection. The instructions and what concerns the parliament are now before the king, and the chancellor will be dispatch't this week, for he has named this day seaven night to the king for his lordship leaving this place. I think to come along with him. Whether that day will be keep't I know not, but some day nixt week will. The secretarie will follow, and Mr. Carstairs too when the king goes away. No day as yet fixt for our parliaments meeting. It's now said Mrs. Villiers will have Glennorchie, but I'm of opinion Bradalbans court will not be the greater for that match. The old laird is come in, so I cane only add that I am, my lord, your lordships most humble servant,

AD. COKBURNE.

154. ALEXANDER MURRAY to WILLIAM, EARL OF ANNANDALE, as to the latter's candidature for the presidency of the council, etc.

London, Apryle 9, [16]95.

MY LORD,—I receaved your lordships, wherin yow are pleased to expresse more reale kyndnes then either I can ever requyte or merite. I told my lord chaneler what yow had wrote, and with what reluctancie, modesty and shynes, yow poynted at a station wherin yow could serve his majestie to good purpose, and more especialy his interest wherin yow wold be wholly directed by himselfe. I neide not make yow my lord chanclers returne, which was both kynde and civile. His lordship was pleased to say that theire was no publique station in the nation bot your lordship was both capable to exerce it and very weale deserved it. Bot he found at present that theire was no president of councile to be named in haist, which Secreteray Johnstone can informe yow better of. I assure your lordship I was never earnester in any thing then I haue been with both since I came heire. Bot all our publique affaires hes been so wncertainte and so jumbled that it is even hard as yet to give any cleare sentiment what may be the ishew of all. Bot the best omen of all is that freinds heire are firme for our gracious soveraine and our poore contryes interests, and I hope in end all ill mens both open and dark desseines shall be disapoyncted; and when wee meite in parliament his majestie will sie who acts from a reale and sincere principle of love to his government and who acts otherwayes. All that are heire longes to haue a mirrie meiting with your lordship and Carmichale and all other trew freinds. I hope it shall be befor this moneth end, for my lord chaneler and the secretary are very bussie with his majestie to dispatch his instructiones. So to give your lordship no farther trouble, bot that I ever ouned and professes my selfe to be in all deuty and sinceritie, my noble and deare lord, your most faithfull humble servant,

A^R. MURRAY.

May I give your lordship the trouble to remember me to on of my treuest and best freinds I haue in the world, to witt, my deare Lord Carmichale, who I begge your lordship may thank for his kyndnes to my son, whom he created on of his captaines.

155. JOHN, FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE, as to the clipped money.

London, April 11, 1695.

MY LORD,—I have tuo of yours unanswered, nor can I the first at this distance, and all I can say to the last is that I shall ever endeavour to answer your expectations of me according to the esteem I have of yow.

I have had a grievous cold of late, insomuch as I was necessitate to lett blood, which lost me the opportunity of offering the councill's letter to his majestie on day, but I hope it will come in good time and als soon, I assure yow, as possibly I could gett it. I make no question yow would make no delay of a proclamation to putt a stop to the coming in of more clipped money, and to take care of the observance therof, which may prove all on with a discharge of clipped money, and necessarily return it whence it came. And that it may the more readily do so, it is my opinion that encouradgement should be given to receive the guinees from this at als high a value as they give in the border of England, and if no better can be, als high as they passe here in London which is at tuentic five shillings, for there is no current money here but clipped money, and the guinees are like to rise higher, so that these who have clipped money will be lesse losers by putting it off for guinees so farre above the value. We are verry bussie getting our dispatch from the king, which I hope his majestie will putt to an end the beginning of the next week, that we may come off about the end of it, and it is like to-morrow an expresse will be sent yow for the adjournment of the parliament, but no day is as yet spoke of.—I am, my lord, your lordships most affectionat and humble servant,

TWEEDDALE.

For the right honourable the Earle of Annandale, lord president of the privie councill of Scotland, Edinburgh, Scotland.

156. JAMES JOHNSTONE, Secretary of State for Scotland, to WILLIAM, EARL OF ANNANDALE, as to changes in the Scottish government, etc.

13 April [16]95.

THE day is the 9th of May. All part the next week. The king would not yet hear me on any private bussinesse, so I can say nothing to you of your self. Have patience. I begin to dread the chancellors health. M.¹ goes doun post on Munday. He can wheedle noe body here where the truth is known. He hopes to succeed better with you. The point is, if change be necessary for managing the session. He says not, and we yes. The king, it seems, doubts, and he is sent to know the truth, and takes the start of others that he may prepossesse people. You know you and others have constantly written to me that changes were necessary, upon which I could give the king noe hopes without them. If he can make you change your mind, I as the kings servant ought to be glad at it, but, pray then, let me know so much that I may inform the king of your changing. M. is nou against the meeting of the Assembly after the parliament. You know the intended use of it is past. He had positively denied that he did see Arran, but I have discovered that they used to meet at a 3d

¹ Probably John, Lord Murray, afterwards created Earl of Tullibardine.

place, and now he himself owns that he did it occasionally, as he pretends. The instructions are pretty well, and the letter better than I expected. Its plain my colleague will out. The kings anger was that he thought the chancellor and I should humour, and delayed all. Now that bussinesse is done, we will again speak freely to him. If Carstairs give assurances from the king himself, its well, but the arguments against changes befor the parliament are as good against changes after, and the king speaks not to Carstairs. The king says that he will turn out any convicted of taking money. He has spoke before severalls of my colleague in such a manner that its evident he thinks to make him quit. The advocat makes great professions, but M. hopes to joine him with the Melvills and Dalrymples. Farewell.

Earl Annandale.

157. THE SAME TO THE SAME --About the taking of the packet and Stair's practices.

16 April [16]95.

THE taking of the packett does not surpryze me. I expected it, and bid my brother writ to you (which he did the post before that) for the number and dates of my letters. Its noe great matter tho your letters and mine be seen. They will find noe plotts in them. However, I wrot none to you nether that post, nor the post before, nor the post after. Its like they read my letters to others, but I presume they were all deliverd, not being worth the keeping. Yesternight M. came to me alone (which he did not this moneth); his bussinesse was only by head and shoulders to tell me that on the 2d of April his letters coming too late for my packett were put in the Master of Stairs packett. His method is to send his nice letters under marchants covers, and all others by me, so that the only letters he has sent by my colleague that I know of these severall years were of the night of which my packett was to be taken. He has been at pains to tell this story too-day. So grosse crooked ways are had, my colleague made take my packett. His hal been opened too to cover the thing. Pray have patience, and resolve nothing about your self till I see you, for its impossible for you to juge right by the scraps I or others writ you. The king has intimated to the 3 at their leave that he will change. I have I own other thoughts of matters than you and they too have, but I may be mistaken. Time will quickly discover all. M. says his orders are not yet ready. He will see the chanceler gone first, and know when I goe; but he had told me of his parting this day or too-morrow. Farewell.

I send you the first sheets of the bishops discours, in which he has far exceeded both himself and all the English. Pray put it immediately in the presse before it be sent from this. The other sheets shall follow.

You have letters from others as well as me, but we reckon they reckon every thing you say as written by me, and sure they were seeking nothing but mine to you, hoping to find proofs that I made men with you. Stufie ! as if that were my business. Sure tho a servant may [not] alwyse aprove of his masters methods he will know that its not his part to oppose them. When I think that my duty I will quit. Farewell again.

Earl Annandale.

158. JOHN, LORD YESTER, afterwards SECOND MARQUIS OF TWEEDDALE, to WILLIAM,
EARL OF ANNANDALE—In reference to the Countess of Roxburgh and
Captain Campbell.

London, April 16, [16]95.

MY DEAR LORD,—Being told by my sone that my sister, Roxbrugh, rather then that affaire of hers with Captaine Campbell should make any more noice, or that he should suffer upon her account, was content to pass it over upon the offer he hes at last made to beg her pardone, tho' she did not admitt of it, and having sinc had a letter from herself to the same purpose, the report you sent being still kept up, and not given in to his majestie in expectatione of some such thing, all her freinds here desire your lordship would be pleas'd to take of the suspensione laide on him, and withall give you their must humble thanks for the trouble you were at, and the kindness you shoud in that affaire, as in all others wherein we were any wayes concern'd, wheroft I hope you beleive non of us cane ever be unmindfull, but will ever retaine a due resentment, expecting very soon to have the happyness to see your lordship, we being to part on Thursday, the justice-clerk, and severall others of our company, having this day kist the kings hands, as the rest of us will to-morrow. I shall not need to trouble you with much account how matters here have gone sinc my last, they having alter'd in nothing and litle appearance they will, further then giving some faire weather, and insinuations that somwhat may be done at another time. Meanwhill Mr. Carstairs is orderd downe, as no doubt you have heard ; whither he goes befor or after us I know not, he only waitting for his orders and instructions, as he calls them. What they will be if he gett any such, and how procured may easily be guest, at least the designe of his going cannot escape any who knows the honest part he hes acted this winter, and so I hope will meett with a suitable receptione from all who are sensible of it. That I say no more nor am not more plaine is not so much the feare of intercepting, I having been pretty well usd with that of a long whill, as that it is needless to you. So without furder ceremonye or compliment, my deare lord, adieu.

159. JAMES JOHNSTONE, Secretary of State for Scotland, to **WILLIAM, EARL OF ANNANDALE**—The movements of statesmen and proceedings of the king.

18 April [16]95.

I HAVE seen yours to my brother. I doubt not of your prudence. Its not strange that men should take a liberty in discourse, but why Argyle should give so much under his hand, for a trifl too, is unaccountable; but this is a tyme to dissemble such things. M—— tells himself how his letters went not with my packett, and therefore its noe secret. My Lord Portland has been to take his leave of the chancellor. M—— and all sides went out of town onlie to-day. The old laird claims the merit of peace-making. Men have been so shamelesse as to perswade the king that I would act against him in parliament, because, at their desire, I would not lie to him, and give him hopes when I had none. Crafoord and others, at their desire, took that way of it with the king in giving him assurances for the Assembly, and so upon what happened lost themselves intirely with him. I wish from my heart that matters may goe much better then I expect. I would gladly be disappointed in my fears—I speak of the parliament. As to the king, I trust to his understanding that he will allow some oylye to make the lamp burn, rather than riske a breach, and he is too nice about the credit of his word to have said what is in that letter to the parliament did he not sooner or later intend it; but the mischief is heatts will prevent what may be intended after. If the king will have me down I must goe, but if he leave it to me, as he does to my colleague, I will stay here. It was Carstares himself that made me beleive that he would goe on Munday or Tuesday last. He now goes on Munday next, I thinck. The justice-clerk and Sir James have, to my knowledge, been your true friends. Some others only trick with you. At bottom they think you ungovernable, and they are for toolls. Pray be sudden in nothing. Farewell.

The advocat by his letters shows that he is incapable of mending.

Annandale.

160. THE SAME TO THE SAME—Of the need of changes in the government, etc.

20 April [1695].

THE chancellor is this night at Stamfford with the 3, etc. I have not been at Kinsingtoun since Wednesday. The king comes but from Richmond this night. I am resolved to be at the bottom of the bussinesse of the packett, come what will of it. I am still of a mind that something will be done to make bussinesse goe smoothly in parliament. I thinck the chancellor has acted honestly, convincing the king of the

necessity of it as much as he could. One about him (I need not name him) has acted like himself: nature will recure. He is convinced in his conscience that changes are necessary both for king and countrey, and yet hath said otherwise at court, which was discovered but two days agoe; so much is certain. What he has said for my Lord Carmichaell, or if he used the chancellors name, or whether it be only hopes or assurances that M. has given him of a better place, as is affirmed, is uncertain. But what needs all this. Men should tel their mind honestly—I mean the truth—to the king; and when they have exonerated themselves they are not to resist wrong methods, but to make the best of them they can. So what means undertaking for my Lord Carmichaell. He may well regret matters. He will not be for making them worse then they are. I wrote to you to be prudent, which I repeat, the rather that I find my neighbours confident that the king is not for you. I thinck all honest men should meet the chancellor. The advocat has written shamefully, but he has noe credit, and is resolved, it seemes, never to deserve it. M. has shewn his letter. It is fitt to dissemble at present both his and the others behaviour. M. parts too-morrow. If I doe not stop, for a day or two at least, my letters a week hence will be of moment. If I can discover that my letters have been taken by the kings order I am firmly resolved to quit upon it. Noe man can condemne me. My own quiet is more to me then this post. Farewell.

Annandale.

161. THE SAME to THE SAME—The presidentship of the privy council, etc.

23 April [1695].

I HAVE yours. I sent you not the long letter, referring the subject of it to our meeting, in case we meet. I perceive writing signifies nothing to you. You cannot by it know the wholle truth, and half will not serve you. As for your being president in the parliament or not I have noe more to say. Carstares, &c., hoped to get me president to keep out you. Arran is positive that you are not to be it. What he says comes higher. He believes there are instructions that I know nothing of. I have demonstrate there were none when the chancellor parted. But it seems instructions will be sent after him, both retracting your presidentship and other things. If that happen your letter shall be shewn refusing it, and I will tel the king as I have done already some tyme agoe that I did not think you would be it, and the truth is I never asked it for you. So far have I been from baitting you with the £500, which whoever bees president will have as a thing of course, and which, were it known that you are the man intended, would noe doubt have been hindred for your sake. By all this, and your escheat and confirmation bussinesse, and many things that cannot

be written, any man may judge if it was possible at present to get you president of the council. I have nothing to reproach my self in point of freindship to you. Since you have to me, I doubt not but you will take measures accordingly. I shall still thanck you for any friendship you have shewn me hitherto. I can accuse you of noe faillure in it nor doe take ill any thing from you that concerns me; but that you doe not trust me, and would by your scolding and impatient way with me make me spoille your bussinesse again as I did once. As to the chancellor, he was somewhat cold at first in your concerns, but he came too at last. But how could he make you constant president when he was refused even a coquet seall for one. I tel you positively it was not in his power to doe it at this tyme, for your being on the treasury. I doubt that was practicable either, but who could act in it? How often have you written president or nothing? In a word, if the publick goe right and you guard against your own spirit, you may expect any thing. The king will doe it himself from the sense he has of your capacity. But others (I mean not my neighbours) will never pardon you two things (which are as the sinne against the Holy Ghost), your too great capacity for bussiness and your unfitness to be a tool. My advice to you (if there be roome for it) is that you consider that you have a family and great stake, and that whatever you doe, doe nothing suddainly nor without the advice and concurrence of such honest men as you reckon your friends. This you will find for your interest. As to your presiding in parliament, or staying in toun, or being at charges, whether you doe it or not, I thinck should breake noe squares betwixt you and any of your friends. You may follow your own jugement in it, especially since my opinion or any other mans is only that for you to doe so and so were probably best, but which indeed after all may prove worst. I am sorry to despair of ever making you understand this court. M. now having, as he thinks, gained the chancellor by the old laird, hes been verry plain, and owned that he gave at court his opinion (and which he says he is resolved to own in Scotland) that it was not for the king's interest to make any changes, since by them he would lose the greater part of the nation; that in his judgement Lithgo, Tarbat (these he named), and others should be keeped in the goverment, and more of such men brought in to it; that thus the foundation would be enlarged; that upon those mens hearing of this they came and would make a friendship with him; that, however, he was still of his own party; but if his own party after 6 years assurances would not trust him, he could not help it, he must have noe more to doe with them; that he would rather be envied than pitied—all these his verry words. Reconcile this with solemn appeals made to God Almighty this winter before me, that he would never have to doe with these men; that he knew them to be knaves, and had been against their coming in, and would never be for their continuing in. It was told him that if more of them must come in, some honest men must be turned out. He said all that should be

ordered right enough. So much to a person above exception within these two days, whom my Lord Carmichaell (whom Carstares does the honour to reckon a sure tool) will to my knowledge trust. But all this I knew long agoe. Now, if you be any of those Jacobits (for so he named them) that are to be gained for enlarging the foundation, you are sure to come in. But if the king be in this he will be, I hope, undeceived. But at present Cooks bussinesse, and other English bussinesses makes the court so uneasy that I cannot speake to the king, and all advise me to abstain. However, I have waited on about the packett affair, but to noe purpose. Farewell.

I thinck people should give the chancellor the greatest meeting they can. He has done his best. I send your lady the bishops book on the queen. Lend Sir Thomas Burnet it till his come.

For the right honourable the Earle of Annandale, president of his majestys privy councell, at Edinburgh.

162. WILLIAM, EARL OF ANNANDALE, to COLONEL JOHN HILL, Governor of Fort William, requiring his attendance, with some of his men, before the Commission for inquiring into the Massacre of Glencoe.

Edinburgh, 23d May 1695.

SIR,—It hath pleased his majestie to give a commission under the broad seall to the Marquis of Tweddale, the Earle of Annandale, and sevein more, to take tryall by what warraunds and in what manner the Glenco men were killed in Feberuary 1692, and for that end to call for all persons, letters and other writings that may give any light in it; as also to call and examine witnesses upon oath that there may be a full discovery, and the whole reported to his majestie. Which commission being now mett, I am by them appointed to require yow to come to Edinburgh to attend them with all possible dilligence, and that yow bring with yow all instructions, orders, missive letters, or other writings that ye have about that affair, and that yow bring the principalls and not copies, specially these letters whereof yow have already given copies attested by your hand. As likewayes yow are to bring with yow the persons that yow can command or influence who were present at the execution, or who can give any knowledge of the contrivance and manadgement of that affair, or of any part of it, and who see old Glenco with yow at Fort William in December 1691 or January 1692, and who can witness what past at that tyme. In these things yow are to shew your care and dilligence that the inquiry may be made and dispatched as is expected. Sir Thomas

Livingstoun is to write to yow to this purpose, and to send Lieutenant Collonell Jackson to command in your absence, which is all at present that the commission ordered to be signified to yow by, sir, your humble servant, ANNANDALE, P.

When I speak of these that were present at the execution, I mean only a sufficient competent number, as sevein or eight of these that know the matter best.

For Collonell Hill, Governour of Fort William.

163. HENRY VILLIERS, probably brother of EDWARD, FIRST EARL OF JERSEY, [to WILLIAM, EARL OF ANNANDALE], interceding for the Captain of Clan-Ranald.

London, May the 25th, 1695.

MY LORD,—I know not whether your lordship might have heard that the captain of Clan-Ronald has been some time past married to my wife's sister, Penelope; and as the ties of affinity are next to those of blood, I hold my selfe thereby obliged to appear on his behalf, in so far as the same may be consistent with the intrest of the government to which (I humbly presume) no man will question my fidelity. He has been seduced by evil company to doe those things in relation to the government, of which he now heartily repents. He will not be of age (as I'm informed) before July next, so that justly his former actings are mostly imputed to his evill councellours and want of experience. The king has graciously condescended that he should be admitted to kis his majesties hand in Flanders, where the captain of Clan-Ronald and his wife now are. My Lord Marques of Tweedale and Mr. Secretary Johnston have severally, upon my request, signify'd their inclinations to befriend him. I do not at all question his pardon from the king upon the conditions I propose, which is to give unquestionable security here that he shall not goe into Scotland; and I humbly conceive his continuing here is safer for the government than his being anywhere else. His years may plead much on his behalf, together with the proofes he offers of his repentance in living as becometh a peaceable and quiet subject. My lord, the freedom I have alwayes had in your conversation gives me ground to hope that if anything offer in parliament or councill which may seem to be levelled at his estate, your lordship may interpose your interest to stop the same, at least till his majesties pleasure be particularly known therein; in the confidence of which friendship I assure your lordship I shall always be ready to acquitt my self as, my lord, your lordships most obliged and faithfull servant,

HENRY VILLIERS.

**164. LIEUTENANT-COLONEL JAMES HAMILTON to WILLIAM, EARL OF ANNANDALE—
His excuse for absenting himself from the Commission of Parliament.**

5th July 1695.

MY LORD,—My unhappy circumstances at present I hope will excuse this boldness I take to give your lordship this trouble.

I have not the least doubt of the justice and tender consideration that should be shewn me in that my unfortunat affaire before the honorable high court of parliament, but that there runs such a speat and odium cast on me, that I haue not bin injenious in declareing the truth according to my knouledg; in which I call to witness the Almighty God, judge of all mens hearts and actions, that I haue, from the sincerity of my soule, done it both in discourse to the secretary and others of my sentiments of that matter, as well as discharged my conscience upon my oath in matter of fact. I likewayes uterly deny upon the faith of a Christian haueing any thing to doe with a party as is alledged, or ever had, more than became me or a person of my station in duety and sivilly, which I thought I had practiced to all mankind.

My lord, the denyell of copyes attested of my papers given in to the comission notwithstanding your lordships ordered the clearke to doe it, with many other discourses proceeding from some members of that comission and the parliament, hath given rise to all my jellousyes and feares, and the only occasion of this my absenting. I againe implore the Almighty God to judge of my inocency. I begg your lordships and the members Christian charity, and shall hope for theire judiceous consideration of all, which I pray the Lord direct them in. And as I presumed to adress your lordship last winter for your fauour and recomendation, soe I most humbly continue the same, that I may haue access to the king, where and to whome I will declare the whole of what I haue discoursed the secretary, or what I can say, and thus relyeing on your lordships and the parliaments tender consideration, and most humbly begging pardon for this transgression of abcenting, I ever shall remaine, with all submition, my lord, your lordships most humble and most obedient servant,

JA. HAMILTON.

For the right honorable the Earle of Anandale, lord precedent of his majesties high court of parliament now sitting in Edinburgh.

**165. JOHN, FIRST MARQUIS OF TWEEDDALE, Chancellor of Scotland, to WILLIAM,
EARL OF ANNANDALE—The proposal to set the Earl of Breadalbane at liberty.**

Pinky, 10 October 1695.

MY LORD,—I had yours of the 25th of the last month from Bath, and am heartily glad the baths have been so agreeable to you, and for the perfect recovery of the young

lady, your daughter. There hath been as litle to say from this untill my lord advocats letter from Secretary Pringle came by a flying post accompanied with a servant of Secretary Stairs's lady, who all the way talked of a letter he caried for my Lord Broadalbions being set at liberty, and caried it to my Lord Broadalbion, who sent for the advocat and gave him the secretaries letter, telling him that there was a letter within it from the king to the counsell for setting him at liberty. The advocat opening the secretaries letter found therein the kings letter to the counsell with a copy thereof; but in the secretaries letter a particular comand from the king that if his letter to the counsell for setting Broadalbion at liberty was not according to law, or inconsistant with the present government, that he should return it immediatly to him; of which letters Secretary Johnston hes doubles, and will show them you. The advocat keepit up the letter 10 days, dealling in that time with Broadalbion that he might offer to find surety to appear at the first session of parliament, thinking it might be ane expedient to warrant his delivery of the letter and the counsells setting him at liberty; but not prevailing with Broadalbion, who askt the question, If he could then sitt in counsell and treasury, to which the advocat could make him no answer. And then four or five days befor the meeting of the October counsell the advocat writes to me, sending me a copy of the kings letter to the counsell and a copy of the secretaries by the kings command, wherein it was enclosed, desireing I might call a counsell that my Lord Broadalbion might be sett at liberty; to which I returned him this answer, that the secretaries letter with the enclosed ought to have been a secret, and that I would not furder expose it to be talkt of by calling of a counsell, but should come in to town the Saturday befor to speak with him. When I came in I found him perplex'd eneugh between ane inclination to deliver the letter and doubting what the counsell would do upon it, not being certain if Broadalbion would offer baill, only said he would never deliver the letter unless baill were offered, hopeing still that it should be offered, either by Broadalbion or proposed by some of the counsell. Broadalbion haveing written circular letters for all his friends to be present at counsell, which occasioned the counsell to be very frequent, even of those that were not very ready to set him at liberty, the meeting was very frequent, consisting of 24 beside the chancellor, my Lord Argile haveing come from the bishoprick, the Marquess of Douglass from Douglass, my Lord Stairs, the president of the session, came in a litter from his own house, being neither able to come on horseback or coach. My Lord Argile presented Broadalbions petition, quhairof Secretary Johnston hes a double, and I suppose a full account from severall hands how the debate went and how the affair was managed. But in short, the desire being that my lord advocat might be enquired for the kings letter, which Broadalbion had delivered to him, that it being produced he might be set

at liberty ; the enquiry could not be granted though the question had been put, for as the debate run, it plainly appeared that there was 13 against granting it and 11 only for it, yet a vote was so insisted for that I was necessitat first to tell them that I could not put such a question so improper to the vote of the board. The advocat being present and saying he had no such letter from my Lord Broadalbion, but only a letter from Secretory Pringle, I endeavoured to perswade them to let the debate fall and not to press a vote. But when I could not perswade them, it being told me by my Lord Raith that he never knew a negative assumed in the counsell, I was forced to say I could not sitt and hear so improper and so undecent a question put as the enquiry of my lord advocat, ane officer of state, about what commands he had from the king, wherein he was to be answerable for what he did, and so rose and left them, 13 going out with me. 11 only stayed behind who followed immediatly, and I adjurned the counsell till the 7th of November.

Befor this bussiness was started, with some difficulty I got in a report of what ministers had qualified themselves, quhairof there is 107 ; and a proclamation issued for clearing some questions we had from severall shyres about the poll money. This account, with what you will have from my lord secretary, will, I hope, enable you to answer all the noyse that can be made about this affair, and is true and full against all false reports from, my lord, your most affectionat and most humble servant,

TWEEDDALE.

166. WILLIAM, EARL OF ANNANDALE, to [JAMES JOHNSTONE, Secretary of State]—
The chancellor called to court. 20th November [1694, or 1695]. Draft.

THE chancellor is much pleased with his call to court, and intyrelie sensible to whom he owes itt. Your colleague hes transmitted the kings orders to him in a verie cold and indifferent manner. He expresses nott the least sattisfaction with his comming, butt tells him that iff his health doe nott allow him to undertake the jurney he may send his son, my Lord Yester. I wes glad to finde him write in thiss st.ain, and that he had nott disguised the matter ; for when the chancellor shew me the letter he said itt wes *Invita Minerva*. He is ass weell disposed, and has been these severall munths, as to all business now as can be wished. If this continues, no doubt the consequences will be good. I am off oppinnion Blackbaronie should waitt upon him, for he hes been a necessarrie and good instrument heare ; and I am sure will be usefull when with you, for no man can doe more with him. I am upon verie good termes with him, and have grounds to expect he will carrie with all the frendship and kindness immaginable in my concernes. Be sure I will improve thiss ass much as possible, soe as wee shall part intyrelie weell.

Iff there is ane order to call me up I shall obey itt punctwallie, for I trust itt to you that youl kno upon what termes itt is, since I need nott be heavie to the king nor trublesome to my friends for employmant; butt if it comes easilie I shall be verie reddie to embrace itt, and will endeavor to acqwitt my selfe with fidelittie to my master and gratittude to my friend.

Indorsed : November 20.

167. [ADAM COCKBURN of Ormiston, Lord Justice-Clerk, to WILLIAM, EARL OF ANNANDALE]—Lord Murray to be secretary.

21 January [16]96.

MY LORD,—I have the honour of yours of the 16 this day, and I cane assure your lordship the news on Sunday of my Lord Murrays being secretarie were very surprising, for on Saturday th' other pairty were laying five to one he should not be it. Till Sundays night I could never get the chancellor to beleive any thing of the advocats cariadage. I must say the advocat is the most ungrate man in the world to the chancellor. This place affords no matter for a letter, but if I could putt some peoples lookes in paper that they have had these two days, you would see some very melancholy, whereas all honest men's hearts are vp. Poor Mr. William Bailly and his lady have been very ill of a feavor, and not yet past hasard. It will be matter of regrait if he don't outlive Stairs for some longer time. The bussines about the cloathing my Lord Jedburghs regiment is taken away, which way I know not, but Lievttenant Collonel Hill told me this night he was satisfied. Though your lordships friends will be glade to see you here, yet the occassion of your stay proceeding from that I hope shall proove no deadly des eas to my lady, they doe pleas themselves that your stay shall be nothing to your prejudice, haveing occassion more and more to oblige honest men, of which none cane be fullier satisfied then your lordships most humble servant.

This night we minded your lordship, Yester, the two secretarie (which is a new drink) at Grahams.

168. JOHN, FIRST MARQUIS OF TWEEDDALE, to WILLIAM, EARL OF ANNANDALE—
As to legislation on the Darien scheme, the lord advocate, etc.

Edinburgh, January 28, 1696.

MY LORD,—Tho I have litle to say I will not suffer our correspondence to break off, especially that the house of commons begins to fall upon our Indian act again,

and the patentees here being about to open the books, I apprehend as unseasonably as they were opened at first in England, to enflame the heat it makes already, which I shall do my outmost to stop, not only as to the opening of the books, but as to all further advances in that affair at this time. I think strange what the advocat can be doing that he employs not his time in finding out expedients, and satisfying people with his strong arguments he promised to make use of when he went from this. If yow cannot keep him firm amongst yow I am sorrie for it. I did my outmost during the parliament and since, and now I begin to apprehend I have lost him, for I heard not from him since he went from this, and what I hear of him is not agreeable to the opinion I left him in. The Earle of Lauderdale arrived here upon Saturday, and my Lord Kintore and Grant are come from the north, so that I hope we shall not want a quorum of councell. But still there go more to England then come from it, and of my coming I am verrie uncertain. I am, my lord, your lordships most faithfull and humble servant,

TWEEDDALE.

169. ADAM COCKBURN of Ormiston, Lord Justice-Clerk [to WILLIAM, EARL OF ANNANDALE]—Anticipated changes in public offices.

11 February [16]96.

MY LORD,—I shall trouble your lordship with ane account of two letters came this post, one from my Lord Argyle, t' other from the advocat. The first says, Johnstoun is not farther out of place than he is out of the kings favour; that the chancellour is out, and the great seall in commission, Melvill the first, and is to preside in councell. For the president of the session, Rankillor and Whitlaw may lay thair account by it. Phesdo and Mr. Hugh Dalrymple are in view, but another than either of them may get it; that Commissare Scogall is to be lord of the session. The seconds letter vindicats himself from haveing any hand in turning out Mr. Johnstoun, but, on the contraire, he adventured further for him than most men would a done, and that it was not the Indian act turned him out. He says further, that he hears ' is suggested as if he was about expedients to frustrat that act, a thing never required of him; but, on the contraire, he will neither be so foolish nor unkind to his country as to medle in that matter.

The chancellors friends, viz., Drummellzier, Lord David and Lady Roxburgh, are against his going vp, and indeed the rumour is so strong here that he's to be turned out that he is in a great perplexity. I pitied him last night, it brought a severe fitt of the gravell vpon him.

Your lordship will speak to Sir James Ogilvie for Jerviswood that he be not turned out. I hear since Sir James went away he was spoke to for the place. I did not

dream he would hearken to any such thing els I had spoke to him. The Dutches of H[amilton] secured him as to the signet keeping for David Crafurd. I was vpon him Fryday by eight in the morning, but was prevented. However, I told him Henry Dowglass was a man had not many fellowes for that trust. Sir Patrick Murray is speaking of coming vp with the chancellor in hopes of getting his old place, but he getts no incouragment there. Sir Thomas Stewart haveing opened his brothers letter to Sir John Maxwell, he shew it me t' other day in the coffee-hous. The advocat tells Sir John that he owes his preferment to Earl Portland and Mr. Carstairs only, and desires him to wrtit to them and acknowledg it. How this agrees with Earl P[ortland] not medleing in Scots affaers I know not. Raith's friends says the king does not remember he signed any such letter, as that the chancellor should medle in any thesaury bussines alone, but that Mr. Johnstoun told the king Raith did not attend, which was fals, and the king was informed so. Now this is the hight of impudence, for I know not if he will attend yet; we shall know to-morrow. Leven did not toutch here, went straight to Lieth, on Sunday was all night at Cokburnspath with Sir James Ogilvie. We have many pretenders to Sir James's place, but I hope my Lord Carmichaels son, Mr. William, will be considdered. I beleeve his father will be satisfied he have a conjunct, because he is young. The advocat has a nephew, but he's very heavy for dispatches. Your lordship will doe me the favour to communicat this to Mr. Johnstoun. I'm, my lord, your lordships most humble servant,

AD. COKBURNE.

170. ROBERT PRINGLE, Under-Secretary of State, to WILLIAM, EARL OF ANNANDALE
—That the king has granted him leave to come to London.

Gembloours, July 16, 1696.

MY LORD,—Upon receipt of your lordships this day I acquainted the king with your desire of libertie to goe for London, which his majesty was pleased to grant, and allowed me to signifie the same to your lordship, as also ordered me to lett your lordship knou he expects you will return to Scotland before the sitting of the parliament.—I am, my lord, your lordships most humble servant,

Ro. PRINGLE.

171. WILLIAM PATERSON, promoter of the Darien Scheme, to [WILLIAM, EARL OF ANNANDALE], regarding attempts to turn him out of office in the Darien Company.

Edinburgh, August the 13th, 1696.

MY LORD,—I have nothing of remarke relating to the company, but last week a councell generall was held, and notwithstanding the designes of some they seperated

with generall satisfaction untill the third Wednesday of November. Nixt it seems there is some of our countrymen in or about London very uneasy with the company and with me. I know of noe just occasion I have given, and wonder to see persons not at all concerned, nor perhaps any way like to be, so very officious ; but, above all, behinde my backe so unhausomly to load me with aspersions, and that in a country where they know that at present I cannot defend myself. They have sent down a gentleman, one Mr. Douglass, not only to asperss me but the whole company, nay, and the country too. For altho I had heard, and have since found, he was sent down to turn out me and my party as he calls them, and set up himself and his own ; yet I treated him with all civility in the world untill he become intolerable, and even then I bore it patiently. For my part, altho I have brought my self under much more disadvantagious then severall of those gentlemen are worth, yet still I doe not want an office. But if the company finde any of these gentlemen that are for setting up themselves capable, they may put them in my place. For were it not far more for the companys good then my own I should make them rome, and that much to my present advantages. But I finde the company extreamly kinde, and the more they finde me wronged and aspersed at this rate. This I must say, that in all the course of my life my reputation was never calld so much in question as about this mater, and it is no very easy mater to me, reputation being the only thing I am nicest in ; and no doubt but malicious storys of me will fly like wildfire in England at this time, since I, in a speactiall maner, lay under a nationall hatred. But patience ; I must bear these as I have done all the rest of my troubles. I doubt not but your lordship and all my friends will discountinance malicious storeys behinde a mans back, and that no honest man will judge a man before he hears him. I intend to part from hence in 14 dayes, and if I come to London will pay my duty to your lordship ; so most humbly thanking your lordship for your kindness and care to and of me upon all occasions.—I remaine, your lordships most obedient and humble servant,

WILL^M. PATERSON.

Our directors begin to give very bad attendance already. We can hardly make a coram in severall meetings.

172. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
About his marriage and his visit to Bath.

Hilston, 14 August [1696].

I THOUGHT to have seen you before now, but it will be September before I can well wait on you. I got yours but yesternight. I goe to the Bath toomorrow, and shall stay a week there. Let me know how long you thinck to stay in London. I am

heartily glad that all yours are so recovered. I am maried, so as that I shall be verry easy, both because of my circumstances and much more because of the temper of the personne. She gives you and your lady her respects. Till I see the j[ustice] c[lerk] I knou not what to thinek of our bussinesse. As to other bussinesse, I alwyse thought that clipt money would make a peace, and noe doubt it will, but I fear not a good one, and even an indifferent one will not mend the matter. If the French king part with much of his frontier his glory henceforth must not be to inlarge his dominions, but to restore King James or P[rince of] Wales, if he can, which he will doe more easily by a surpryse in tyme of peace then by a war. I shall writ from the Bath.—I am, as usually, your true friend and humble servant.

I wrot to no man body about my mariage but my Lord Arran, because he had been along talking to me of his own even when mine was a doing.

Earl Annandale.

For the right honourable the Earle of Annandale, at his lodgings in the Pell Mell,
near the Rose Tayern, London.

173. ROBERT PRINGLE, Under-Secretary of State, to WILLIAM, EARL OF ANNANDALE
—That he had presented the earl's excuse for not being in parliament to the king.

Loo, September 4th, 1696.

MY LORD,—Since my last to your lordship I have acquainted his majestie with the reason of your lordships stay from this session of parliament. I did it as fullie as possible I could, and in the tearmes your lordship desired it should be represented. The king heard me fullie, but made litle or no ansuer, onlie asked if your lordship were just nou in London or not, and said it had been fitt you had been in parliament. I should heartily wish that my ladies better health may have altered your lordships resolution before this, but if it be otherwise, I hope your lordship will find your self an oppurtunitie to satisfie his majestie that you have had no by-end in absenting from parliament. If it lay in my power to be in the least serviceable to your lordship in this or anie other concern, I doe own that I am obligeid to it; and I hope your lordship shall find me on all occasions, as I nou profess to be, my lord, your lordships most humble servant,

PROCESSION TO PARLIAMENT FROM THE CHURCH OF ST. PAUL'S

Ro. PRINGLE.

Earl Anandale.

174. SIR THOMAS LIVINGSTONE to WILLIAM, EARL OF ANNANDALE—As to the tactics of their political opponents, and congratulating him upon the birth of a son. 8th September 1696.

MY LORD,—I came but home last night from a litel progres I have been making in the west country to see the bad conditions of the castel of Stirling and Dumbritton, so that at my returne I got but the favour of yours. Sins my last nothing heath happened worth whyl. Fear things seems to be desynged. Tyme wil sho all. In the mean whyl I shal be verry sorri if your lordship be not present at this session. Severals doe flatter themselves with thoos hops, and others are migly aflicet at it. I kno your lordship is persuaded what I say opou that head proseeds from a sincere freendship, but, to my opinion, it is giving to muts advantage to your enimys, for thee wil not feal to improove it, and are migly rejoiced at it, wheras thoos as wisch your lordship wel are migly dishartnet. It is talket that the Earle of Breadalbion, and the Vicount of Staires are to be in parlament. Theer freends give it out pubblickly that thee desyngne to overturne what is done in the last session ; that thee have freends and a party strong anof to effectuat it. But this needs confirmation, for I thinek it is a bould atemp. But yit I kno thoos people stand at nothing.

I did not hear anny thing further of what Lord Enstrudder werit. But the Earle of Tilliberen caris migty fear to every boddy. Our parlament is to sit this day, but the kings letter being forgot, it adjurnet until Thursday nixt.

I muts rejoice and hartily wisch your lordship joy with my leadis happy delyvery of a brave young son. I wisch my leady my recover her helth quickly, and the son may gro op to the satisfaction of both, whos humble and unalterabel servent I am. Adiu.

Edenburgh, September 8, 1696.

175. ROBERT PRINGLE, Under Secretary of State, to [WILLIAM, EARL OF ANNANDALE]—That he will acquaint the king with his desire for leave of absence.

Loo, September 28th, new style, 1696.

MY LORD,—I have your lordships of the 8th, and shall take the first opportunitie I can have to acquaint his majesty with the contents of it. I am heartily sorrie your lordship should have so just occasion to demand libertie to be absent when, perhaps, the king may think your presence of use for his service, and that your absence may be interpreted to your disadvantage.—I am, my lord, your lordships most humble servant,

Ro. PRINGLE.

176. [ADAM COCKBURN of Ormiston] to WILLIAM, EARL OF ANNANDALE—
Business in parliament, etc.

Edinburgh, 29 September [1696].

WEDNESDAY last the justice clerk arrived about 7 at night. The councell and exchequer satt till after 8, when the justice clerk went to the abby and waitted on the commissioner, as he did nixt morning on the chancellor and secretarie. Nothing past but generalls. The parliament mett that forenoon, where severall acts were read, but none voted, save one defining bankrupts, and yet they have granted protections this session already, and that very day there came in a petition of Robertland's. Among other things he craves a protection ; but a debait arising whether his affair should come before the parliament or be remitt to the session, it was caried by a vott to the latter, though his grace, the secretarie, advocat, and Whitlaw shew themselves on the other side of the question, so there was no more of that bussines. There haveing fallen out a warm debait at the passing of the act for the supply, about those should be commissioners for the shire of Fife, and that point not being determined, the Countess of Rothes carried the justice clerk at night to wait of his grace. He took them in where he was keeping a secret committee, viz :—Chancellor, secretarie, advocat, and Whitlaw. When the lady was going away his grace called the justice clerk to stay, where they spoke a litle of publick bussines, but no secrets (as I'm inform'd). Haveing mention'd the supply, I will give you a short hint how that past. The first year past unanimously eneugh, but the second mett with great opposition. In the committee, Grant, Collodin and Whitlaw wrought it throw. In the parliament the chancellor pres't it, and Commissare Monro second him. No men so forward as thire nouveaux convertie. When it came to be votted, though only 3 or 4 of the nobility (wherof Lauderdale and Ruthven were two) were against it, yet it was lost when it past the barons. But Whitlaw and his burroughs carried it. Whitlaw has lost himself in the esteem of all honest men, except the above named. For on Fryday, to add to all the rest of his behaviour, ther came in two acts, which had been read the day or some days before. The first was, that no laws should pass the first day they were read, and that all acts and ordinances should be written in mundo ere they be votted. The two branches were promiscously spoke to. At last the first pairt was agreed should be votted, but it was craved the word "acts" should be added. The debait was eager eneugh. The commissioner spoke much, and the secretarie told plainly that if they would not take it as it was they would get none of it ; vpon which the justice clerk said, Then they needed not ask a vott, for they behooved to take what was given them, and they needed ask nothing. Vpon which his grace, a litle warmly, named the

justice clerk, and repeated a argument he had vsed for the act. T'other answered, and ownd quhat he had said and adheard to it. Then it was moved, Approove of the first pairt or amend. The commissioner agreed to the state of the vott. Then he was putt oft. Argyll stated it so, and so it was votted. Melville, Queensberry, Argyll, Raith, the justice clerk votted all amend, yet it caried approove by Whitlaw and his followers. The 2nd pairt of the act was craved to be votted nixt. No. Then they proceeded to t'other act, which is ane act rescissory of that noble act past last session against fraudulent conveyances. What was best in that act is now cutt off. The advocat (who is well and weightly consulted by Marr and Loudoun), secretarie, and Whitlaw debaited stoutly. Fountainhall, Arbruchell, Haleraig (who is in for Cullen, you will understand this is to oblige Carstares), and Whithill were against them, but this new explanatory act, as they call it, caried; but if all who were not clear had votted, it had caried in the negative above 20. Ther was warnnes about this act as well as the former. The advocat and Fountainhall were be the ears togither. I 'm informed, when the second years supply was before the hous, the lord president made a insinuation as if he was not for it, which so frighted his grace that he delayed it till nixt day, and had not Argyll brought them over, all that pairty were resolved to have opposed it. There is now before the hous ane act for security of the government in caice of his majestys death. It was read yesterday and this day, but delayed to be spoke to till tomorrow. Great consultation at Queensberrys about it, where is present the Viscount of Stairr. He has not yet come in to the parliament, but has been severall times with the commissioner about it. I doe not hear he has gott any encouragement. The bussines of the Fife commissioners has occasioned some heat in the parliament. That difference is now (if possible) wider. They have this day singled out Fife, and that only in that shire those who had qualified themselves on the councells nomination shall be obliged to take the oaths over again. Raith said to Queensberry, when Kintore votted against him, he should mind that when his precept came to be signed. You will find as great pairting this winter as ever, and his grace will have his hands full. He was much for ane act which past yesterday, ordering the 14 shilling peeces to be taken by all the kings collectors of his revenue and given in to the mint, and quhat the king shall loose to be made up by the nixt parliament. Now all the nixt termes cess will be surely payed in that coine, and some think it may come to 4 or 5000 lib. sterlinc to the king, but his grace cane best answer for quhat he does. Ther is ane act come in allowing 3000 stone of copper to be coined, this in favours of Lord John Hamiltoun. It will amount to some thousands of lib. sterlinc.

For the Earle of Annandale, at Mrs. Thomsons, over against the Winter Tavern,
Pell-Mell, London.

177. WILLIAM PATERSON, promoter of the Darien Scheme, to **WILLIAM, EARL OF ANNANDALE**—Thanking his lordship for befriending him against attacks.

Edinburgh, October 5th, 1696.

MY LORD,—Notwithstanding my long stay in Scotland I have not been so happy as see your lordshippes returne, which I understand is occasioned by the indisposition of my lady, which I am exceeding sory for. I am now goeing for Holland in a day or two, from whence I shall take occasion to informe your lordship as anything materiall occurrs. John Erskin, Gleneagles, and Mr. Smyth are also named to goe, and I hope we shall make a progress beyound the sea sutable to what we have made here. I ly under infinite obligations to your lordshipp for your steadfast favour and kindness in vindicating me upon all occasions. Envy usualy attends the prosperity of any man, and my own naturall defects, as well as those of som of my countrymen, will doubtless lay me oppen, as well as others, to the usuall treatment in such cases, and as I have always found, soe I finde now, that the best remedy for these things is patience. I hope this Company, like Herculus in the cradle, shall strangle all these snakes, and were it not for dificulty nothing would be great. I hope it shall be no small glory to your lordshipp and family that yow have vindicated this Company in its infancy and in a time of dificulty of which I shall allwayes have the sence thats due, and remaine, your lordshipps obedient servant,

WILL^{ME} PATERSON.

Earl Annandale.

To the right honourable the Earle of Annandale, to be left at Mr. Robert Johnston's, in the next door to the Black Boy in Pell Mell, Westminster, London.

178. WILLIAM, EARL OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]—
The backwardness of the season. 28th April [1697].¹

MY LORD,—I acknoledge the honor off your lordships off the 14th. I can give yow verrie little from thiss. Our newes must come from yow. I pray God they may be good and acceptable to the nation, for thiss poor cuntrey had much need off encouragement under the circumstances they are like to be in; never greater appearance of scarcittie and want: for heare is the severest, coldest, unkindliest season that ever hes been seen. I am for Annandale the beginning off next weeke, to looke after my oun privatt busnesse, and shall be there till some tyme in June. If your lordship have annie commands for me in the tyme, I shall order my wife to receve them, who will

¹ Original in the Marchmont Charter-chest.

be at Cragiehall. I wishe yow, my lord, and your famelie all healthe and happinesse, a saife journey home, and that yow may order matters soe as you may have all sattisfaction in busnesse when yow are heare. I am, with all sincerittie, my lord, your affectionate cusine and humble servant,

ANNANDALE.

The 28th off April.

179. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—His title, and the designs of the French upon Flanders. 8th May 1697.

MY DEAR LORD,—I have delyvered your letter safely, but did not get it until two days after my aryval heer. I have sins that been verry muts importunet by severals about the tytel in question. It was again pretended opon the account of freendschip, witchs I positively declyned ever to intertain with that ducke. It was so muts insistet opon, that at last I told them I was indifferent of the tytel, but would yield nothing opon his grace his account. So it is left until Sir James Ogelvie comes to Scotlant, and then your lordshippe, if you please, and he is to adjust that mater. In the interim I shal have tyme to kno the king's mynde, that is, opon the account the ducke doeth no moor sturre in it, or pretend to have it done by his interest. I could not resist importunitys further then this, being several freends did conserne themselves telling me that the king would take it wel if I should doe it, witchs I shal soon kno, for nixt weeek, and I beleeve in the beginning, I go for Flanders. Mr. Jhonston, my Lord Strachtuaver, and I are just nou a drincking your lordship's helth. We have no great nieus, but it is lycke quickly some great desyngne, as said is, the Frens have opon Flander, will bracke out, having made a fint to bring the greatest part of theer forsis to the Ryne, who of a suddain appear in Flanders, and I fear befoor we kan be reddy wil besiege some plasse, witchs wil make some alteration in affaires. I shal sumtymes importune your lordship with the lyeke of this sort of scribbels, and remain, my dear lord, your lordship's most humble and faithful servent,

TEVIOTT.

London, 8 Mey 1697.

180. THE SAME TO THE SAME—The progress of affairs in the army abroad, and his prospects of settling in Scotland. 10th July 1697.

MY DEAR LORD,—I have werit several tyms to your lordshipp sins I came to the army, but not so frequently as I could have wisched, being cept verry bussi sins my aryval. I have been detached from the army with seeveral[1] regiments of dragoons and somme

foot, but ame nou joined again. As to the letter to the counsul, I got a doubel of it befoor, but was no ways surprysed, being all goos by trick, and kan not be otheiways as long as sutch as are imploid continue. Theer heath been as muts pains taken and streatched theer cunning in this as far it would go. Thee have verry fit agents for it heer, especialy he that superscribed, who follows his instructions so exactly, and heath improven his talent so wel, sins he came to that post, that thee could not have a better theer. I may not iularge nor bee moor plain, but shal only tel you that Tam Diens was send envoye in this bussinis with letters from Sir James, toghether from the ducke, to severals heer, wherin theer was learge explanations of my having not only yeelded but desyred it, as you may see by the wording of the letter. All this was onluckely ended two days befoor I came to the army, and sins that tyme theer heath been bussinis anof, so that I have said nothing as yit, partly because it was a done thing, and partly that no affaire can be deliberatly talket of. I confes I ame used barborosly in two particulars; but as I cannot help myself in eather, I must have patiens until a better tyme coms, to witchs I have but a bad prospect. As for the bussinis with my Lord Lauderdale, my beeing so muts exposed in a nation gives me but smale incouragement to settel int. Besyds, that bussinis could not be wel treatet of, onles I was theer myself, and if theer be so mennyn about it, it wil certainly not go but abof the value.

As for maters of peace and warre, I can say nothing to. The one tyme we are neer to it, and the other from it. Most beleevie peace, witchs tyme must sho. I hope it wil be ane advantagius one.

I should certainly be for Stevison to the vacant compani, but the exchange that is made betwixt Cunigham and Jedbrug must stand good. Captain Cunigham having given it under his hand that he had nothing to pretend but a compani in Scotlant, heath got that in my Lord Linsays. This coms from your lordships real and sincere servent. Adieu.

In the Camp at Evree, 10 July 1697.

My service to all freends.

181. THE SAME TO THE SAME—Some regimental appointments, his return to London.
8th September 1697.

MY DEAR LORD,—I ame sorri so mennyn of our letters have miscaried. Thee must certainly been cept op, and the sparck that is heer is capable of it and wors. I haue but of leat learnet to kno him. He is a verry fit instrument for that set. I ame glad your lordship and the other two freends haue directet the mater of Lidington so wel, for it is not a bussinis rasly to be undertaken, for one needs not bey debeat. Thee fall naturly anof in in Scotlant. I ame verry muts obliged to your lordship for the

pains taken therein. I kan say verry litel as to the majors plasse of my Lord Carmichel, being at a distence from court. The ouldest captain of that regiment is not fit to be it, but your lordship knoos he wil haue a great menny to interest them selfs for it. It wil be a los to the regiment if he should get it, and it shal not be by me.

The letter Pringel werit about plasing Cunigham opon a compani that Daliel heath ane act for, I doe not beleeve is by the kings order; but thoos people are comt the lenth of stopping at nothing. I have werit to Magil not to consider Cuningham as captain of his regiment until he have the kings particuler order for it. I doubt but Pringel wil expeed a commission amongs menny others that are wanting for him. Every thing is done by trick and a[r]tifice. I shal speack of Magil when ever I have occasion to see the king, but I doe not beleeve it wil be done.

As to our affaires heer, your lordship knoos theer is a demurre in the conclusion of the peace. What that wil wortk tyme must learne. I doe not wunder to heer that your lordship is not in good termes with a certain gentleman. I wisch it may be real and continue with the other, for no trust in troose. I ame in this plasse bearding and drincking the waters. I intend to stay aight days longer, and fourteen days theerafter, if nothing interveen, for London, wher I shal be glad to have the occasion of kissing your lordships hands. I ame glad to understand my leady is recovering, and wisch the yong lord and leady muts helth and prosperity. I kan trust nothing to peaper, being sure letters are in hasard of being catch by the way. But theer is litel to be expectet from a parson we talket of at parting; hoe ever, I shal make a last effort, and wil kno what kan be trustet to. Your lordship would reasonably expect moor plain and larger particulars, but I shal tel my reasons at meeting, and so remain onalterably, your lordships humble servent. Adieu.

Aix la Chapelle, 8th of September, nieu styl, 1697.

I got the two last that ware send onder covert to my house. All freends wil fynde my humble respects heer.

182. SIR JAMES OGILVIE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
New roup of the customs and what they are expected to yield.

Whitehal, October 16th, 1697.

MY LORD,—I hear your lordship hes been in the countrey, therfor I have givne you no trouble till nou; your lordship knows that by the peace the take of the customs is falne, bot the taksmen have sent a representation, which they desire should be præsented to the king. Al concerned hier are satisfyed they have al the favour his majestie pleases to confer on them. They doe deserve verie weal, bot if ther wer ane neu roup great offers will be made particulerie for the first year. His majestie may

have fourtie thousand pound, and for three or five years by much a greater take diutie then is peyable at præsent. Some think certantie preferable to expectations, yet certanlie the present taksmen are verie honest and would give a verie true accompt. Al I shal say is that I doe think the king should have his free choise, which cannot be if the take be not declaired null and void befor Mertimess, and the taksmen may get a provision in ther favours that notwithstanding ther take shal continu if the king shal think fit so to appoint. This is verie agreeable to what the taksmen desir.—I am, my lord, your lordships most faithful and most humble servant,

JA. OGILVIE.

I am sorie to hear that my Lady Annandale hes been so ill upon her journey. I shal be glaid to hear she is better.

Earl of Annandale.

183. PATRICK, FIRST EARL OF MARCHMONT, to [WILLIAM, EARL OF ANNANDALE]—
As to new tacks of the customs.

Pollwarth House, October 22, 1697.

MY LORD,—Now that the peace is concluded, it is in the optione of the lords of the theasury to declare the tack of the customs to be expyred, and to put them to a new roup, if they think it expedient. And to the end that the lords may have tyme to consider fuly of that matter, it is necessarie that the tack be declarde void befor the first day of November, otherwise the taksmen may pretend that it stands good to them. Therfor I intreat your lordship to be in Edinburgh on Thursday next, the 28th current, that wee may doe what is incumbent to us in that afaire. I intend to be ther to wait upon yow.—I am, my lord, your lordships verie affectionat eusen and humble servant,

MARCHMONT.

184. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—That the king is to come to Scotland to be crowned, and about the disbanding
of some Scottish regiments.

London, October 30, 1697.

MY DEAR LORD,—One of yours was delyvered me by Luetenant Colonel Forbes in Hollant, and sins I aryved heer open Thursday last I got that by Colonel Magil deatet 27 of September, but the third I have not seen. Sutch of the antient nobility, my freends, as are heer, doe not feal to use means so as another may come in my plasse to comand in Scotlant. But I defey them; for was it for no other reason but to oppose theer ill desyngnes I shal returne to Scotlant again. The have been with Sir David Coljaer, assuring him that if he pleased thee would procure it to him and make it both advantagius and easi to him. I ame satisfyed theer bie no answer from the earle

until we see what suay maters take and hoe bussinis wil be setlet. The king heath said he wil go to Scotlant to be crouned, and none that I kno doubt his going. Your lordship knoos befoor nou that thrie regiments in Scotlant are brocke, in witchis I have had no hand in, for it was done befoor I see the king. Some people are under a great recentment and beleeve it my doeing. I ame apprehensive the rest theer may have the same fate. I ame sorri for my Lord Linsay, who I doubt heath no other convenient way of living.

I judge the king wil not be pleased with the counsuls letter anent the disbanding the thrie regiments, for it is certain that the reasons he heath been so suddain in sending the orders for braking thrie regiments are to make room for other thrie that you wil have emediately, vise,—the two batalions of guards and Colonel Rous regiment of fusilieers. I doe not thinck that it wil be in anny boddys poor to wrong the commisairis opon the account of the troop of guards, for I kan not see thee are to blame if thee continue as thee have began, paing the forsis conforme theer contract. I had a letter from Andro Morton and Gorge Clerck. I shal answer them whenever I fynde anny boddy sturs that mater. I can say nothing as to bussiniss. This wynde wil certainly bring the king. I kan no ways be of ane opiniou your lordship should thinck of going abroad befoor bussinis are setlet, for that was looking from it and necessitating the king to give the management of his affaires in thoos peoples hands. Theer wil be tyme when we see somwhat clearer, for I doe not doubt of alterations, and patiens overcoms menny dificultys. I have had no occasion to discourse this mater with anny others, thee being not in toune, but this is my real opinion. Braking or ceeping op of letters may possibly be put in practice again, for severals are curius to kno nieus. The Ducke of Ormont is in Yrland. This with my service to all freends.—I ame, onalterably yours. Adieu.

185. THE SAME TO THE SAME—The coming of the king and signing of the European peace. 4th November 1697.

MY DEAR LORD,—This day yours of the 28 was delyvered me by ane onknoen hand, who told me in the streets he would call at my lodgins. I send one by Major Andersone. I durst not say all I have to say, because I did not certainly kno if he was a sure hand. I have sins discoursed your freend, who is comt to toune, and is of the same opinion as I werot to you, as I positively continu to be. The earle is recovering, and altogether out of danger. Your lordships pretensions are just, but theer is nou no room for it. My endeavors should not have been wanting. The king is not comt as yit. Some thincks he may stay some days longer opon the account that some of the Protestant princes have not signed the peace when it was done betwixt the emperor

and the king of Frans, opon the account of restriction that heath been put opon theer freedom of religion witchs formerly they injoid. This is the emperors doeing, and a jesuitical inventione. Your great freends journi houlds. If he be ons gone better things may be hoped. I doubt not in the least but my Lord Linsay heath the best regiment, but as I told you befoor, I beleeve all thoos in Scotlant wil be brock. Besyds my Lord Linsay heath lost some of his former freends opon the account of near and opiniate alyans he heath mead with a certain sort of people. Hoeever, that shal not byas me. If I be capable of doing him service I wil, and laug at all theer desyngnes and contryyvancis. I wisch your lordship all helth and prosperity, being intyrely yours. Adieu.

London, November 4, 1697.

186. JOHN, EARL OF TULLIBARDINE, Secretary of State, to [WILLIAM, EARL OF ANNANDALE]—As to the pursuit of Simon Fraser, Lord Lovat. 9th November 1697.

MY LORD,—I have your lordships of the 1st, and am satisfied you have don what has been suggested in that affair of the Beauforts, and I am very well pleased with the orders that are given, except that to the shirreff of Perth, which should have been to march to that countrey as soon as possibly our men could be got ready, and in caice the Beauforts had not surrendered themselves to the herald, then to have apprecheded them dead or alive as in the commission ; but that the shirreff of Perth should wait to be required by the shirreff of Innersness or Collonel Hill will certaiuly protract tyme so much that they may either escape, or my sister, through her barbarous usage, be past help. Wherefore I desyre that this may be helped as soon as possible, and in the mean time I have writt to my father to make no delay, which I wish he may not have done. I shall mind what your lordship has writt, but am not able to answer to any thing else now, who am, my lord, your lordships affectionate ecusin and humble servant,

TULLIBARDINE.

Kensington, November 9th, 1697.

187. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE —Proceedings at London, and dispatch of troops to the north of Scotland, etc. 11th November 1697.

MY DEAR LORD,—I kno not what to thinck of our letters, for that of your lordships of the 4 of November I got yesterday, and this day one of the first. I doubt not but Major Anderson heath delyvered your lordship one of myne, and sins that I have

werit two others, wherin I gave your lordship all the account I could of what I kno. For the king not being aryved as yit, nor no nieus of him at this moment I weryt, notwithstanding of the fear wynde we haye had thes thrie days, makes us verry steal of nieus. The ridiculous storis that our antient nobility sets abroad are no moore to be reguarded as the barking of dogs at a distance. I doubt not but the wil appear in theer true collor at this tyme. As for what your lordship werit formerly relating to your self and others, as far ther is room for it and leys in my way, I hope your lordship never had reason to doubt me. I have had no returne to anny of the thrie I werit to your lordship witchs puts me a litel in pain to kno if thee are comt save. I kno ther are a great menny trickers who will not feal to play theer parts. I was as plain as I durst upon this occasion. The two last I send by the comon post. I shal gladly kno what way your lordship thinck the bussiniss of the Bas could be proposed for our freend, or in what menner he would have it. He heath talket with me at a distance, but I never thought he was in earnest. Your lordship knoos that if it lay in my poer to serve him, I would with all the cincerity, good wil, and satisfaction imaginable doe it. Pray, my lord, let me kno by the nixt hoe you thinck it kan be proposed, and the menner he would have it. Altho I have no great help I shal doe what I kan. I shal gladly kno hoe far your lordship is concernitt in the not disbanding of the regiments, and the sending of that of my Lord Forbis, apointet to be brock, to the north. It makes a great noice heer, and wil certainly be very il taken. Your il wishers doe not feal to inlarge it to your disadvantage. I doe not kno if your lordship thincks of comming to London, but, to my opinion, your presens would be necessaire heer, for, as it is said, thee wil muster all theer forsis, and that somtymes makes ane impression. I doubt not hoe soon the king comes, but I will be send emediately to Scotlant, partly opon the account of the regiments not being brock, and partly by reason of that insignificant sture of the Frasers witchs is miglyt talket of heer. But I ame muts mistaken if a smale party of Hils regiment could not have suppressed all. Pardon this tedious scribel from one who is intyrl yours. Adieu.

London, November 11, 1697.

188. THE SAME TO THE SAME—The doings of their political opponents at court, and the entry of the king into London, and dispute for precedence between Argyll and Tullibardine. 19th November 1697.

MY DEAR LORD,—It would seem by your last, deatet the 9 of November, that you have not got al myne I have werit sins I came to London last. Our antient nobility heer are doeing what thee can to represent your lordship and others as so oneasi, that it is not [possible] to get the kings bussiniss in every particular done because of your

standing in the way of it. I ame lyckways ane eysoor to them, and mutch pains is taken to get me remoued. The gentleman who learnet his eloquence and wisdom at the Scots barre is theer champion, and to breack the yee first. What this wil woren I kno not, but it is thought a great person heath given into it, so thee thinck theer project can not feal them, but I judge thee wil fynde themselvs mistaken.

We hear that a great flies is to come op heer yit, and Tarbat amongs them as theer gyde. It wil be divertising anof for one so indifferent as I ame to see all theer enterprysis. I doubt not but the king wil heer anny boddy they accuse speake for himself, and let him kno what is said of him. You wil kno by this packet that theer is no room left at present to doe for your nepheu. I hope tyme wil bring ane occasion about. As for his luetenant-colonel I shal be glad of ane occasion to serve him, but at present theer is none, for I doe not beleeve that anny regiment in Scotlant will stand. I ame glad the not disbanding of the regiments is gone so easily of. I hope theer wil be no moore of it, tho some people thought thee had got a verry good handel.

At the kings entering the citi of London theer weare great and wonderful doings, sutch as I did not imagin could have been; and at the plassing or rancking the nobilitys coatches, the Earle of Tillibardin having spooke to the marshal to have the ranck befoor the worthy Earle of Argyle, the latter disputet it so far as the marshal caried them both befoor the king, who deeyd it in favours of my Lord Tillibardyn, with whom I was in coatch, and see all the fray. The rest of that day ended peaceably for as muts I kno. Menny particulars I could tel your lordship, but cannot venter them to peaper. It seems the noice heath been at Edenburg that I was slain, and as I heer by Jedbrug; but if I live til that bee, I thinck I shal not dey suddainly. I kno not as yit hoe soon I may come to Scotlant. The wedder is so bad as I apprehend the journi.—I ame, my lord, your lordships intyrl. Adieu.

London, November 19th, 1697.

189. JOHN, EARL OF TULLIBARDINE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—About disbanding various regiments. 19th November [1697].

MY LORD,—This flying pacquet carries a letter to the councel to disband those regiments as was formerly ordered, and another to the thesaurie to pay them off as far as they can without stoping the present subsistance; and I doubt not but your lordship will be concerned to do what you can to pay them off upon the credit of the fonds that was given last session of parliament. Sir James Ogilvie sayes that when the king signed the letter this morning he desired he might write to the thesaurie as if they should not pay the disbanded regiments so fully as the king's letter does allow;

but the king not haveing said any thing of that to me, nor when he gave the orders to Sir James (att which tyme I was present), I can recommend nothing but what the king himself hath ordered in his letter, which is the warrand to your lordships. I was also present att the reading of the cōcouncil's letter to the king, with their reasons for their not present disbanding, att which I assure your lordship the king was nowayes dissatisfied (as some would have pretended he would be), but on the contrare. However, since he had taken the resolution to disband not only these, but other regiments in the kingdom who have not had occasion to see action, I did not think it proper to press his takeing contrary measures. I long to hear what your lordship has done with the customes. I hope they are fallen in honest mens hands.

Since writing this, I have your lordship's of the 13th, which requires no particular answer untill I heare againe what you bring the customes to, which I doupt not will be considerably augmented, and which I shall not faile to let the king know your lordship has been instrumental in. I hope they will fall to honest men. If Barnton and John Murray, postmasters, be concerned, I doupt not but they will be servisable to the goverment.

As for your part in the orders about the Beauforts I am satisfied they were proper; but I cannot but wish they had been ether some of the forces or our oun men sooner to my poor sisters relife. But I hope to heare shortly she is out of such vilanous hands. There is a letter from the king to the councill goes by this flying packett, that the councell may prosecute itt effectually, which I thought was proper, to show that the king is concerned to have all done that law will allow. But I am not pleased that Sir James has put that expression in the letter concerning the regiments being disbanded without delay, because it may occasion some to think that the Lord Forbesses shoud be disbanded, though they have not apprehended the rebels, which, if they have not, I cannot think that any will understand they shoud be recalled or disbanded untill others are sent in theire place, otherwayes it woud not consist with the other letter; but I thought it not worth the desiring it to be altered, because it might be thought it was on the accompt of my own regiment. Besides, I belive it will take some time before the treasury can pay them. I desire your lordship will not forgett the last halff yeares clearance precepts, that the regiments to be disbanded ought certainly to be preferred to before any.—I am, my lord, your lordships most humble servant and affectionatt consin,

TULLIBARDINE.

Kinsington, November 19th.

I forgott to tell your lordship there goes also a comission for auditing the accompts, which you may give me your thoughts off.

190. THE SAME TO THE SAME, thanking him for facilitating the despatch of troops
against Lovat. 22d November 1697.

MY LORD,—Tho the insurrection and barbarities committed in the north are the government's concern, as well as my particular, I cannot but thank your lordship for your carriage in haveing every thing done effectually, and in pressing the sending of the forces to Perth and Dunkell. But because (as I wrote in my last) that some might apprehend, because the kings last letter was so positive, that some of the regiments should be presently disbanded, I took Sir James with me tonight to the king and desired to know if it was not his majesty's meaning that the troops that the councel had ordered to march should not be disbanded immediatly till others were sent in their places in case that business in the north was not totally suppressed, who answered that it was his meaning, and he doubted not but the councel would order it so. However, I thought it was best to send this flying pacquet to let your lordship understand it, that none might lay hold on that letter to obstruct the prosecuting of that barbarous affaire.

Wee are going to make a new establishment for the armie. If you mind any thing your lordship may acquaint me. Tho the king calls for it already, it will take some time before it be signed. His majesty has a mind to keep up as many forces as formerly, and the English will maintaine the troop of guards no longer. I belive we shall have all Flanders regiments, for the king thinks they will doe best service that have seen much. The French king is not hasty in delivering up the towns, and they say is taking on our disbanded officers and soldiers. The king was a litle indisposed the last night, and this day he thinks it may turn to the gout.—I am, my lord, your lordships most humble servant and affectionatt cousin,

TULLIBARDINE.

Kensington, November 22nd, 1697.

Indorsed : E. Annandale.

191. SIR JAMES OGILVIE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
The king's decision respecting the tack of the customs.

Whitehall, 9th December 1697.

MY LORD,—His majestie hes this day hade under his considderation the representation made by my lord chancellour to him concerning the roup of the customs. My Lord Tullibardin, my Lord Argyle, and I were called ; my lord Duke of Queensberrie was indisposed and so was absent. The king did take ane account from us of the matter of fact, in which we did not much differ, and it is not neidful to trouble your lordshipe

with the particular account of it. Bot he did plainly determine that the tack should be delyvered. And it being moved that it should be left to the thesaurie and exchequer to proeceed in it, the king told that he would leave no more ground for dispute, and therfor he hade given his ordors in that matter. And certainly although reasons might have been urged against the borrowes haveing the customs befor they were admitted to offer by a vote of the exchequer, yet they haveing been the highest offerers, it would be verie hard nou to take the tack from them. I doubt not bot my Lord Tullibardin will aquant your lordshipe more fully of this, he being in waiting. Yet I haveing your allowance for giveing you troubles of this natture, I hope you will excuse me for this, and beleive me to be, my lord, your lordships most faithfull and humble servant,

JA. OGILVIE.

Earl Annandale.

192. THE SAME TO THE SAME—As to the donative to Mr. William Carstares, and regimental matters.

Whitehal, December 21, 1697.

MY LORD,—Wee made al the haist possible to end that affair of the borous, and befor nou noe doubt they have ther take. I doubt not bot ther hes been loss and imbaisilments, bot, howver, they I hope will hold them with them. It seems Mr. Carstairs affair hes been stopt. I belive the king will make that dontive good to him. I treulie believe it is al he hes, and he had ass much by his wife. Bot it is reasonable to doe things upon clear grounds. I am glaid to hear that Sir William Douglas regiment is nou dissipat. My Lord Forbes dragoons will no doubt lykwayes seperat, bot thos mutenies should be inquiered unto; I mean thos that hes occasioned them should be made understand they have done amiss. I wish the auditors would doe som thing in the accompts that maters may be clear when a parliament meets.—I am, my lord, your lordships most faithful and most humble servant,

JA. OGILVIE.

193. LIEUTENANT-COLONEL ROBERT REID, to WILLIAM, EARL OF ANNANDALE—
That the army field-officers and captains are to retire on half-pay; and about proceedings against the Earl of Sunderland.

London, December 30, 1697.

MY LORD,—Yesterday I was honoured with your lordships. Mr. Johnstoune hes been att his countrey house this four fyve days, but this morning he did come to town. I went and delyvered him your lordships letter, and he desyred me to tell your lordship

that ye should hear from him very shortlie. I did take occasione to speak to him about my Lord Lindsays comming up here, but I did not find him clear for that. He is extreamly affraid that he should spend his money and gett nothing done. I am extreamly affraid for the same. But your lordship, whose advyce allenarly I hope he will rely upon, will do in this as your lordship thinks fitt. It is to be feared that the king will not return from Windsor before the morrows night, which will be ane great hindrance to all Scots bussiness that was to be done in my Lord Tillebaernes moneth, which is ane mighty loss for us all. I waited upon my lord this morning, and he told me that he hoped to gett some bussiness done for us, although his tyme should be very little. All that I find is designed is half pay for the field officers and the captains who have served abroad. Accordinly the lists are made. I am doing all that can ly in my weak power for all the captains in my Lord Lindsays regiment. By what I cann find ther can be nothing done for the poor subalterns. The bussiness of the Enderlochie regiment lyes as formerly, but the first audience my Lord Tillebairen hes of the king one way or other it will be determined. He is very much for the standing of the regiment that is there, but the king having passed ane promise to the Prince of Vademong for Brigadeir Maitland (who is now very ill represented to him), therfore it is thought the king will not alter his resolutione, and I think Maitlands regiment will be there.

This bussiness of my Lord Sunderlands people knows not what to say of it. Some talk that he is in as much favour with the king as ever, and that it is to please the house of commons, who were angry with him that it is done, and some people do talk otherwayes. But I hope your lordship will have ane account of this from better hands. Its very much talked that he shall be succeeded by the Earle of Albemarrie. A little tyme will produce this. It is still to be feared that the parliament will not alter their resolutione of breaking the armie. But that they will provyde for the officers no body questions. There is seavall little pamphlets pro and contra writt about this. If I knew your lordship had not gott them, by the first occasione comming for Scotland I would send them down to your lordship, for ther is some of them very well worth the reading. I doubt not but my Lord Teveot himself hath acquainted your lordship that the king hath ordored him to come to Scotland very speedily. Your lordship will pardon me for all this scribbling, for it is nothing but my sincere gratitude giveth me this presumptione. And I am extreamly anxious for ane opportunity to let the world see that I am, my lord, your lordships most faithfull and most obedient servant,

Ro. REID.

After writting of this I heard it from ane member of the house of commons that this day some of the members were violent for staging of the Earle of Suunderland, but

having quitted his places it was crushed. They beginn this night to talk extreamly of my Lord Gray of Tankerfeild succeeding him, but whoever shall suceed him is brought in by him, he being more in favour then ever. This scribbling being only to your lordship, your lordship will excuse it. It is hoped the king will this night be att Kinsingtone.

194. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE—About the progress of political parties at Court and the appointment of a Secretary of War.

30 December [1697].

IT seems my dear lord heath mistaken my last, for I meend by that expression of the Dalrumpels that we have a courtier heer as lycke him as if he weare casten in the same mold with him. I shal never beleeve the other bussinis wil come so as it is apprehended, for the king being fully informed of thoos parsons, it is not reasonable to thinck it should be. You kno the talke always big, and extend theer poors far beyont its limits ; yit I have seen menny wonders and kan not talke with certainty of anny thing. Thoos people doe not live one stone onturmet, and you could not imagine hoe far theer diliganse goos. Thee stand at nothing, so who knoos what thee may get done by trick and artifice. I doe not beleeve that by anny other meens thee wil come speed. This beeing the last weeck of my Lord Tullibardius moneth, we wil quickly kno what he heath got done in it, I fear but litel. He is nou fully convincet of his aror ; but thee have one wil serve theer purpos compleetly. Thee effects of the good practisis learnt at the Scots barre doeth apeare wunderfully to be a most improper member for a secritaire of steat to a kingdome wher the king is absent.

My Lord Portlant, as it is confidently affirmet, goos Saterday or Munday nixt for Frans. It is to be a verry magnificent ambassi.

The antient nobility have a hit at everything, and amongs other the pay master and commisari bussinis, pretending that the colonels whit whom the present contract was mead are brock and consequently that falen. I werit to Sir George Hamelton of this, who if he heath a mynde to ceep it wil certainly thinck it necessaire to come op. This project is inventet by Sir Robbert Dickson. I hope Sir George Suiti doeth not thinck that I ever would omit anny occasion to serve him ; but to make sutch a proposal at this juncture would be to no purpos at all. For besyds that the king is streatching the fonds as far as possible to subsist the disbanded officirs, when ever the Bas is named to him he orders the demolising of it, and it is me that first spocke of this to his majesty, so it would loocke extreamly absurd if nou I should advyse this, witchs, besyds the contradiction, I ame assured I kan not carri.

Jhon Aitken is left out of the establisment by a particular adres. Sir James made it, and theer are several gros mistakes int. The king would not alou a clerck to the court martial and a secritaire of warre, saing that one might doe both; so Sir James, to oblige his patron, Carstaires, put in Hugo Cunigham. Nou in Scotlant we may be whitout a clerck to the court martial, but cannot whitout a secritaire of warre. I suppos it may be got redresset, but I could wish thoos two would agree the mater and devyde the pay as formerly. For altho I am verry muts Huge Cunighams freend and would serve him as muts as could be, yet I kan not want a secritaire of warre. So I thinck it waerre best for them both to agree the mater til another tyme, that bussinis may be made better and got easier. If your lordship would be pleased to send for them and propose this, it wil be best for them, for nou the one heath the pay that formerly the had betwixt them, and sins all that are to be subsistet goos to halfe pay, thee must take it as a general calamity, for it is onpossible to get it done otherway. This is a verry tedious scribel. Nixt weeek, if maters of moment appear, your lordship shal have it from, yours intyrlly.

195. JOHN, EARL OF TULLIBARDINE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—Respecting Colonel Row and Lord Whitelaw. 31st December 1697.

MY LORD,—I have all yours, but am loath to keep this express by writing fully now, so I must refer you to the chancelors letter, who has writt to me kindly of your lordship, and that you are in a perfect good understanding, which I intreat may continue. I am sure we cannot have an honnester person, or of more honour, or will live easier with us in that post. They have spread a report here that I am to be in that post, but it is most groundles and maliciously propogatt; but I kno the chancellor trusts me so much that I will not mention it to him. I shall be cleare for your proposal of Collonel Row, since it is your opinions that he be at Innerlochie, but I am now engadged for Collonel M^kGill. If that succeed I doupt not it will please you. If it doe not, as I say, I shall be for the other.

You may be sure I omitt nothing to have Whitlaw president. I woud willingly quitt my own place to have him in that, since I am convinced it's so much for the kings honour and interest of the country. Without ceremony, adieu.

Kinsington, December 31.

I wish you many good yeares.

My hast had almost made me forgett to tell your lordship that I did not forgett to serve you this day with the king, in which I had a good opurtunity from the chan-

celors letter, wherin you were mentioned as concurring with him untill the kings pleasure should be known. I am sure it has done you service. And now you have the kings mind as fully as I coud gett it in relation to that bussines.

196. THOMAS HAY, VISCOUNT OF DUPPLIN, to WILLIAM, EARL OF ANNANDALE—
The title of Viscount conferred upon him.

Lundone, 4th Januarie 1698.

MY LORD,—I uas not forgetfull of your lordships commands, but his lordship having overcome his distemper to the great admiratione of every bodie, their uas nothing more to be said. As for uhat you spoke to me conserning my Lord Teviot and Tullibarden their uas no need of doeing aney thing their, for they are as ueell togither as aney two cane be, assisting each other all they cane, which I was very ueell pleased to see. I uas hopfull by the end of the last month to have been able to have told your lordship newus that would have pleased you, but their is a good tyme cumming. I shall nou only, for want of Scots newus, tell you that my Lord Sunderland, Sunday was eight days, layed down his uhyt rod and went to his cuntre house Fryday last; and Sunday last my Lord Glencaertie, who maried his dauchter, uas seased (being found in bed with his lady in my Lord Sunderlands ludgings) and uas caried to Newgait. They say he had not been above two days come from France.

My lord, I begg live earnestly to recomend to your caire and justice my good freind and tutor, James Hay of Carrubber, who hes had a long and teadious plea with Sir William Bruice. If your lordship shall be pleased to be informed fully by him I dout not but ye will fynd his cause just, and then I am soore ye will oune his interest, which will be a very singular obligacione done to your servant, who again, with all the earnestnes imaginable recommends him to your caire. I wish to your lordship, my lady, and all your famelic, a good new year. I had almost forgott to tell you the title the first Earle of Kinnoull had before he uas made Earle. I hope your lordship will be so kynd, if in aney thing I cane serve your interest, freely to command, my lord, your lordships most obedient and most humble servant,

THOMAS HAY.

197. JOHN, EARL OF TULLIBARDINE, Secretary of State, to WILLIAM, EARL OF ANNANDALE, as to an allowance for repairing the Castle of Blair. [January 1698.]

MY LORD,—I emmited to write to your lordship in my last that the Duke of Richmond had been with me, desireing that I would do him the favour to write to your



lordship to delay concludeing the tack with the Colledge of Glasgow for the bishops rents untill he spoke to the king. For he alleages that both he and all the vassalls of the regality of Glasgow will be prejudged by it.

I also ommitted in my last to acquaint your lordship that there was a letter granted by his majestie in my fathers favours and mine to the thesaury for repairing the dannages done to the Castle of Blair by the garrison while there. This letter is about 4 years agoe. I desire your lordship will be pleased to call for it, and since you are sufficiently warranted, and the thing itself just, I kno I need not recomend it to you, but desires it may be ended at this time while your lordship is on the place, and the precept granted on a fond that will answer.

Maitland goes this night or tomorrow post for Scotland. I wish the king and country be well served with him. Perhaps time will show that others had been fitter for that post; but by what I can kno it was designed before the king came over, so that none here at this time has reason to brag of theire having a hand in itt. Adieu. I long to have an answer to my last, and my Lord Teviots and Dupplins, who have writt all we coud think off. I wish the chancelor, Earl Ruglen, and your lordship coud come into a good understanding with the justice clerk. I cannot belive he is much in with others as is talked. I am confident he is an honest man.

Indorsed—Earl of Annandale.

198. SIR JAMES OGILVIE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—
The college of Glasgow and tack of the customs : Burning of Whitehall.

Whitehal, Januarie 5, 1698.

MY LORD,—I have receaved the honour of your lordships by this pacquet. As to that affair of Mr. Carstairs, the king has given an explaining letter in favours of the collegae of Glasgou. This your lordship wreats will determine you. It is alwayes most saife to proceed by clear warants. It seems they desire incurragement or they would not advance so great a soum. This I understand from themselvs; at least, some of them wreat so that they have bot smal prospect of gain be the bargan as it is nou ordered. I belive the take of the customs will be verie lucrative this year, bot perhaps it may not be so through the other years of their take. I am not much for deductions or abeatments to any sett of takemen. They should consider weal befor they ingadge themselvs, bot therafter should pay what they undertake.

Wee have had the greatest fire at Whitehal was ever seen. It al brunt doun except the bankating house and the Earle of Portlands lodegings, bot both are much damnified. This is al from, my lord, your lordships most humble servant,

J.A. OGILVIE.

199. JOHN, EARL OF TULLIBARDINE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—Prospects of Whitelaw being president ; the royal apartments at Whitehall consumed by fire. [5th January 1698.]

MY LORD,—This express caries the warrand for the comission to my Lord Carmichel to be comissioner to the Assemblie, with the other papers relating to it. I am extreamly vexed that I cannot yett send you the good news of Whitlaws being president. Earl Portlands having stayed longer then was expected has obstructed itt. But I think it is impossible the king will doe so much prejudice to himself, or doe a thing will reflect so much on his oun honour as not to doe itt. I am convinced nothing can be more prejudicial to him then the delayes. But I must hold, for I confess I am not a litle vexed at itt, but I still hope to gett it done soon. My colleague does now oun that he cannot speake for it, because he sayes there are so many have appeared against itt that they will be highly disoblidged, and find the effects of his resentments in opposing him. How good these arguments are let any judge. I cannot but think it is against law to want a judge of that importance, for I belive since the institution there has never a president been wanted so long. I am not able to writte more with my oun hand, so must refer what I have more to say to another occasion.

Yesternight about four aclock a fire broke out in one of the garrets at Whitehall, which burnt so furiously that it hath consumed all the king and queens apartments, the chappell, and all that was worth the standing at Whitehall except the banqueting house.

200. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—As to intrigues of parties at court. 13th January 1698.

MY DEAR LORD,—I have both yours, as that of the 30 of December and 11 of Januar. The antient n̄ ability give out a great menny storriss of migty things thee are to doe. Thee have for that end verry good help who are sheapt out in all degrees to theer purpos, and the oposition but verry weck, so if thee doe wonders it is by thos meens. The reason I desyred that letter eoms from Andros having werit to me befoor ever I heerd auny thing cf that mater, and I regarded it so litel and thought it so frivilous that I thriu that and other letters in the fyre. But when I began to reflect wath silli storriss thee set abroad, and amongs menny others thec went and compleanned to the king that I had turnet my back when the migti ducke offered to salut me, I then considered that when storriss are mead, and one heath not presently somting reddy to defeat them, thee are apt to live some impression. This was the

reason I sought the letter, but will not make us of it. We are as to other bussinis
yit in the darek. Yesterday the two secritaris and the antient nobility weare ordered
to wait on, but not caled. This day thee expecttet it again. I kno not if thee had a
hearing, for I left them theer. I could say a great deal, but kan not trust it to peaper.
The smale fond votet by the parlament heer for maintaining of the army puts other
things at a stand for some days, so that my comming of is as yit uncertain. I shal
stryve to clear martzhis befoor I come, and so remain, your lordships intyrlly. Adieu.

London, Januar 13, 1698.

201. JOHN, EARL OF TULLIBARDINE, Secretary of State, to WILLIAM, EARL OF
ANNANDALE—With court news.

Kinsington, January 15, [1698.]

MY LORD,—I receaved your lordships by Collonel Row yesternight, tho I have not
yett seen himself, being from home. I shall befrend him on your recomendation par-
ticularly as to Innerlochie, in caise M^kGil gett it not, who I first engadged to.

I have been this night suping with the Lord Dipplin, where were the Lord Teviott
and Mr. Johnston, and where we did not forgett your lordship, which has made me so
late that I cannott writte fully to you as I intended. But you may expect I will by
the next if I be in health. The same reason hinders me from writing to my Lord
Ruglen, to whom I desire to give my affectionatt humble service.

This flying packett caries a letter to disband the Lord Lorns and Buchans regiments,
against which Secretary Ogilvy made what opposition he could, being a frend to both.
They had a project that the fonds woud maintaine them. There is also a letter to the
treasury which was ordered yesterday at our meeting. I think there is nothing in it
amiss.

I intreat you and other honest men will prevale with the ministers to recal Mr.
Carstairs. You kno what a man he is, and tho there is not much feare of him now
that Portland is gone, and (if all who understand the court be not deceaved) will never
returne in favour, yett it is all interests as well as the churches that such a secrett
enemie be taken off. The king has apointed Monday to receive the African adress.
Adieu.

202. THE SAME TO THE SAME—Suggesting the Earl of Aunandale's coming to London, etc.

Kinsington, January 18, [1698.]

MY LORD,—I have been considering that the kings dessiring a new state of the fonds for the army may be a good occasion for your lordship to waite on his majestic with it, and give him a true and exact accompt of his treasury affaires, which tho the lords of treasurie that are here have been called to doe, yet I find is not so cleare as the king expects, and as you will see by his letter to the treasurie. The cheiff thing is to kno how long the fonds will last for the forces that are now established, and if I mistake not, thoes that were so dessirous to lenthgthen them when I was in Scotland are of another opinion now. But you will kno that best by some of the lords of treasurie with you. I have also some apprehensions that it is designed some of them come up with the state of the fonds. If your lordship can procure one of the lords to concuer with the chancelor for your coming from the board it is well; if not, you can have the chancellors letter to the king, which, with the state of the fonds you bring, I think will be a sufficient occasion, if you incline to itt. You may also desire what is proper concerning Sir Robert Dicksone, and gett his memorial, which he gave to Secretary Ogilvy.

You will also help to have things goe right for the king and countries service, and be assistant to thoes that wish them best. In these things, as also in any particular concern of your own, I shall befrend your lordship all I can. To propose your being called by the king I belive woud hinder itt; and tho I wrigg formerly that it woud not be proper for you to come without it, or a good occasion, I am of the opinion the first woud not be granted, and that this is a better rise then any thing has yett fallen out. I kno you will advise with the chancelor in itt, and my Lord Ruglen and Lord Whitelaw. None knows of the motion here except the Lords Teviott and Dipplin. They not only aprove of itt, but thinks it proper. It is necessar to keep the designe secrgett untill the day before you come off. I kno you will not omitt acquainting the councill as others have done. I am, your lordships most faithful humble servant,

TULLIBARDINE.

The king has ordered Secretary Ogilvy to acquaint Earl Morton that his majestie is disatisfied that he came here without acquainting the council or the chancelour, and therefore orders him to return as soon as can be to Scotland, and with difficulty does allow him to kiss his hands.

I have wrigg fully to the chancelor of what passed when we were last with the king.

203. COLONEL ARCHIBALD Row to WILLIAM, EARL OF ANNANDALE—As to ranking and disbanding of certain Scottish and English regiments.

London, 18 January 169^g.

MY LORD,—I arrived heare one Friday and delivered all your lordshipes letters. I ame oblieidged to yow for hastening my comminge. They had like to have plaide me a tricke ; but I dont wondare, since some people will doe aney thinge to serve there oune ends. Sir David Colliare spoake to the kinge that his regiment shoulde have the ranke of mine in Scotland, because it had it in England and abroade, as being ane Englishe regiment, and there was so muche respecte payed to the antient kingedoome that true borne Scotts men pressed the kinge to give the ranke of a Scotts regiment in its oune countrey to ane Englishe regiment which was tuelve yeares younger, and the Scotts regiment established by acte of parliment besides. In order to this, a letter was drauen and laide before the kinge one Saturday laste ; but I had kissed his majestys hands one the Fridays night before, soe his majestye was pleased to lay it asside and say he woulde consider one it. One Sunday I gott nottice, and yow may immagine did not make a smalle noyse. They are now ashamed of the thinge, and some greate men, whoe reasond for it before now, wondare that any bodey coulde thinke of such a thinge. I trouble your lordship with my bussines but to showe what people will doe when ones backe is aboue.

I begg your lordshipe will order some bodey to looke the recordes in parliment aboue the timme of Bothewell Brigg, when the regiment was raised, and lett me know what the acte sayes about the establishment, but without letting aney one know.

Some people beleeves that affaire your lordship advised me to come to touine aboue will fall to my tourne of course. I leave it to your freinds heare, for I ame not very curiouse. I muste oune the obligatione to your good designes. Within this houre I spoake to my Lord Teviote about my Lord Lindsay (for we heare Collonell Muray is dead), he thinkes the deficulty will be aboue his getting ane acce as collonell. I wishe my Lord Lindsay were heare himselfe.

In shorte, the Scotts affaires lye yet over undetermined, and I finde the antient nobility have profferd to wndertake more then bothe they and the moderne can weell performe, which I suppose will make not muche nottice be given to what they saye. When I have been 5 ore 6 dayes heare I shall be able to be more plaine. In particulaire, the parliment heare have onely given a fond for 10,000 land forces, and votted yestareday halfe pay to all the officers whoe are to be broacke till they are provided for that are naturall borne subjectes of England. Soe God have mercy of the poore Scotts officers in the English regiments. They are upone moddeling the melitiae and putting off the disbanded officers wpon their heads. I feare the committie will not be

able to bringe it to aney perfectione, but if they doe, I hope to gett some of my poore freinds taken caire for, for some of the mannadgers are of my intimatte acquaintance. My Lord and Lady Tullibardne dranke your lordships and my Lady Annandailes healthe att dinner; soe hes my Lord Teviotte, Mr. Johnston, Lord David and Lord John Hay, since I came, which will offtne be repeated. Pray pardon the freedome I take, for I ame, with all respecte, my lord, your lordships most obedient and ever oblidgd humble servant,

ARCH^R. Row.

204. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—As to the Earl's coming to London, and Scottish business at court. 20th January 1698.

MY DEAR LORD,—The bussinis of Enverlochi is yit ondeterminint. Theer was never so great a strugle, and yit it is lycke to miscarri. But the doeings of this parlament doeth so mutch take op the kings thous that litel is done in Scots affaires. Rou heath a verry good reputation, and I wisch he wear theer; if thee great apearence the antient nobility doe make with theer interest at court doeth not take him of as it heath done others alreddy. My Lord Lindsay is aryved, and I have put his bussinis in a fear way; yit the Earle of Argyle, I ame told, is for Lord Forbis, tho he persuads Lindsay to the contrairi. It shal not be my fault if he get it not. The king was not pleased with the Earl of Mortons comming from Scotlant whitout aquainting the counsul or chanselar, would not admit him to the kissing of his hands, and ordered hee should go back to Scotlant. But the Ducke of Queensberry taking this verry il, saing it is leffled at his grace, is to take of the kings anger hoe soon his father-in-lau is burried. All other Scots affaires are mutch at quyet sins the Earle of Portlant went away; only Sir James Ogelvie is verry bussi, looses no tyme or occasion witchs others doe. I ame told your lordship heath been werit to about your comming op with ane account of the thesauri bussinis. I can say but litel to it, only you must resolve to figt the battel verry onequal, for litel help you can expect. Yit your presens with others would be necessaire, for thee intend to doe bussines nou by shoing the numbrs that are of theer syde. My comming of is as yit oncertain. The wedder is verry barbarus, and I ame just as wys as when I first came heer. Patience must overcome all. So I remain intirely yours. Adieu.

London, 20 Januar 1698.

I hope the African Company wil be pleased with the ansuer to theer adres.

I have seen the adres of the General Assembly. Ther is a passage theerin understood heer. If theer was moor of it, and somwhat moore plain, it is thought it would doe good heer, if thee closed ther assembly with something lycke that.

205. THE SAME TO THE SAME—The funds ; and the proposed purchase of Lethington.
 24th [January ?] 1698.

MY DEAR LORD,—The account of the fonds meets to mutch the desyngnes of some people heer, for the proposing of subsistance for the nou standing forceis in Scotlant prolongs the parliament further, as some wisches. Besyds it brackes the commisari and paymaster barging, for it kan not be expectet that 12 pens per pound should be given, onles the officiirs had theer clearings and clothing munny conforme the contract.

What passed in counsil when Seaforts bussiniss was debeatet is taken notice of heer and enlarged opon.

My Lord Tullibardin is of opinion your lordship may come op with the chanselar, the more because all judicatoris are adjornet, but this to your one governo ; for, to my opinion, onles bussiniss coms naturaly about, when the great promises and undertakings that nou are, litel good kan be expectet. So all I can say, I wisch you warre heer, but hoe to come is to be considered.

I ame migley inpatient to kno if Lauderdale heath acceptet of the offer. The prospect I have of affaires makes me wisch not. Always it is to be considered that after I have the exchange of munny aloued me, if I pay sutch a considerable soume heer, tyme must be given for the pailling of it ; for except, as I said in my former, six thousand pound, the rest must come from Hollant, and so muts reddy monny one doeth not always ceep by him. I hope the tytel wil be onquestionable, for onles I see cleer in that I should be oneasi. I wonder what Castairs his negotiation shal worck ; but it shal be my admiration if what is expectet heer shal come to pas. I hope by the nixt post I shal heer from your lordship, and so remain intyrlly as befoor. Adieu.

London 24, 1698.

206. THE SAME TO THE SAME—The reduction of the strength of the Scottish regiments, etc. 25th January 1698.

MY DEAR LORD,—It seems the counsil haeth forgot to send theer tymly order for reducing of Colonel Hils regiment to the number of 40 per company conforme the nieu establisment, for I see the orders is but datet the 11 of Januar. Ther wil be eight days befoor the orders can go in this tyme of year to Enverlochy, and some days moor to the several garisons. 300 of theer men are by orders at Envernes and one hundred at Glengeri ; no orders for recaling them ; so that if the thesaurie doeth not take in consideration that the regiment heath been at 57 per company until the tyme that the counsuls order could go to them, thee wil be great sufferers ; for whitout orders

thee could not disband. Your lordship I hope wil thinck this just and not suffer them to be losers.

I doe not thinck that right missures are taken with the Frasers, and a strainger regiment, as that of Rous, can not doe great service theer. Besyds that thee marthching of so menny troops is putting thos people opon their guards.

I have just nou your lordships onder Mr. Livingstons cover. He that refused that smale plasse is the most onacountable parson that ever was borene, and anny that expects good to come that way is miglytly mistaken. For the rest maters are just in the condition as you discrybe them, and it is only that party that must prevale, being theer is none to oppose or to contradict them. Your lordship may assuredly expect things wil be as il as possibly you can imagin them ; and as for my self, what I can say bears no wight, for I have been representet by a favorit as one concernet in a party, witchs heath given impression, so that I am nou resolvet to say no moore but to let things take its cours ; for it is to no purpos, and I have been beating the wynd to long. My Lord Lindsay heath relapset again, but that shal not hinder me to contrebut what liys in my poer for his getting that plasse, in consideration of your lordships consernes and the lones of his famely. But his hart is so much set that way that theer is no room left for his being reclamet. At witchs for my particular I declare I shal never have anny grudge. The wedder is brocke heer, so if no alteration coms further, hoe soon it anny ways settel I intend to come of and to wayt opon your lordship as your most humble servent. Adieu.

London, Januar 25, 1698.

207. THE SAME to THE SAME—Colonel Maitland appointed to Inverlochy,
and as to the purchase of Lethington.

Februar 3, 1698.

MY DEAR LORD,—The post of Enderlochi is nou determint, and notwithstanding what representations could be made Maitlant heath got it, and Broomhale a pention of 150 pound sterleng. What other things heath been done in Seeritaire Ogelbies moneth I kno not, but theer is moor of the same stamp. By this you see wher the game is a going. It can not wel be expectet other ways, for no others but thos people meddels whitout opposition, and what I can say is thought to be for a party, so that you may easily conjecture what lenth thos people wil carry theer desyngnes ; for it is certain a plan heath been laid befoor a certain parson went of, opon witchs thee nou bild. I may trust no moore to paper, but only that I ame extreamly weariet of my comand witchs is nou for two parts of thrie in another's hand.

This, my dear lord, you may judge gives me no great incouragement to settel in Scotlant ; and as to the particular you mention, if it can not be got so, that opon occasion it may be sold for near the same pryce I wil not meddel with it, for to be tyet by the leg and in reverence of a pack of knaves I ame not for. Nather kan I supposo that anuy of my freends would advyse me, considering what view Scots affaires have. If I comme at all it wil certainly be ons this moneth, so in the interim it might be inquyret unto what it is to be sold for and a list of the rental might be got, so as I might order my bussinis, if it fals in my hands conforme to it ; for sutch a somme fiu heath always leyng by them, and I beleeve reddy monny is expected theer, witchs I supposis is not verry ryfe in Scotlant at present. And as I thinck it was ons surmysed by the Earle of Lauderdale that he would take part of the monny heer, so regard must be had that monny heer is ten or twelfe par cent. better then in Scotlant. All thoos considerations makes me thinck that we need not make great heast, for the dutches must be taken of with reddy monny, and fiu as I judge are abel to fynde sutch a soume in this juncture.

As to Dumbar, if the troop he belongs to be brock, it shal not be in my poor to keep the luetenant standing, yit I shal doe what I kan in this and what other occasions I kan have to serve my Lord Whytlau. As for your lordships comming op I was never mutch, for I loocke opon the bussinis to be so far worong as whitout remedie at this tyme. So you would but expose your self whitout doeing anny good, for you would be whitout the least help. My opinion is meddel not whit it whitout that handel or a call. This is in answer of yours of 25, from your ever humble servent. Adieu.

208. JAMES JOHNSTONE, formerly Secretary of State, to WILLIAM, EARL OF ANNANDALE—About the doings of Scottish statesmen at London.

London, 4 February [16]9 $\frac{1}{2}$.

You complain of me for not writing, but, as I am a Christian, I know not what to writ about Scotch bussinesse. I know often enough matter to talk over a glasse of wyne, but it is not worth paper. When P. went the other side thought to doe wonders, but noe change appears. I see nothing that is decisive either way. Maitlans getting Fort-William is indeed a great point, but he was not put there to gratifye those that were for him, but they were for him because they saw the king would put him there, and that they found him one for their purpose. I have noe knowledge that any thorough resolution is taken as to Scotch bussinesse. All the advices Sir J[ame]s and his have given about a parliament presupposed the kings presence amongst you. Now I believe that is not to be, which will be a losse to the managers, who

would have assumed to themselves the effects of that presence. My Lord Arran is in good terms with the king. I see him dayly, but if he knows that he is to come in he dissembles it with me. I doe indeed thinck that he must at last come in, and that Whitelaw will be president ; but you may think this even upon as good grounds as I doe. I am sorry that there is any coldnesse betwixt the J[ustice] C[lerk] and you. I believe him absolutely in the wrong in the bussinesse of Aberdeen, as he is ordinaryly upon such occasions, but honest men are few, and they must bear with one another. I doe not thinck that there is, or can be, any great understanding betwixt him and his old friend. I have been with the king about my letter, who is willing to turn it into a gift. Sir James O[gilvie] has in that bussinesse, under the colour of friendship and the greatest professions imaginable, done me all the hurt he could doe me were he my professed enemy, and which is best of all, he cannot hold from valueing himself upon his gratitude to me. I am sending this to his office. Its like he will read it. He is in very good humour and thincks he has the whip hand of his collegue. I medle in none of their differences ; it is not worth the whyll. I have given all those you writ to me about the best directions in their bussinesse I could. I wish Arran and you well together. You and he may come to unite in bussinesse. I am sure you and others never will. Considerable English matches have been spoke of to my Lady Roxburgh for her son. I own I like him well and wish him maried at home, and I have acted accordingly ; but what will happen I know not. I asked her if there had been any such thing a doing as was reported. She said not. She praised Lady H[enrietta]. I hope she is now strong and healthy, for the reputation of being sickly will hinder her matching. Farewell.

My respects to your lady and her mother.

209. [ADAM COCKBURN of Ormiston, Lord Justice-Clerk, to WILLIAM, EARL OF ANNANDALE]—Lord Whitelaw a candidate for the office of president of the Court of Session.

Edinburgh, 4 February [1698].

MY LORD,—In no station ever I knew your lordship in doe I think you needed more to be wish't joye then in this your lordship is named to, but joye without satisfaction looks lyke a contradiction ; and truly the latter does not at present promise it self to me on your lordships behalf. But when I find that miracle wrought among the many happens in our days, no man shall be better satisfied with quhat does contribut to your lordships advantage then I shall. The advocat writts to me all the news by way of banter. He writts to Sir James Ogilvie that Arran hes honestly told him he is for Whitlaws being president, yet the advocat allows his Mr. Robert to writh that he is

certainly to be secretary or president. My good friend, my Lord Ross, shall be much disappointed. I thank his lordship for his advertisment. Indeed the advocat has wrott plainly that if I doe not renew a friendship with my old friend ther's no saveing me,—good news. The chancellor seems not very inclinable to come vp thow he has allowance. Fairewell.

210. THOMAS HAY, VISCOUNT OF DUPPLIN, to WILLIAM, EARL OF ANNANDALE—
The State of the Scottish Treasury, and that the Earl should come to London about it.

Lundone, February 5th, 1698.

MY LORD,—This day my Lord Tullibarden, my Lord Teviot, and I being togither, did heartely uish your lordship had been uith us, and all of us, whose good uishes I am confident your lordship does not doubt, uere joyntly of one opinione, that it uas very propper your lordship should cume up, and that you should be sent up to give aue account to the king of the stait of the treasurie. Nou this is uhat can not fail, for their being only four lords of the treasurie nou in Scotland, tho two of them should be of a different oppinione, yit the chansler (if he be for it, as my Lord Tullibarden tels me he certainly uill) cane aluays order bussines so as his opinione may determine the mater. My lord, lett the stait of the treasurie once be drauen and then gett but one of the other two, uich, with the chansler and your lordship, makes a corum of the treasurie, and once passing a vott that one of your number is to be sent up uith aue account to the king, uich ye can not fail to carie, then the other uill necessarily follow, for the chanslers opinion and your lordship consenting uill determine the third lord when he cane not help it. And so I hope I shall have the honoure to see your lordship shortly in this place, and to thank your lordship by woord of mouth for your lait kyndnes, uich I am very sensible of, amongst maney more obligationes I lay under to your lordship. All I shall say is that I shall aluays reckone my self bound to serve your interest to the outmost of my poure, uich I hope ye believe, and so, without seremonie, I bid you heartely adieu.

211. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—As to the purchase of the estate of Lethington, and about political parties.
15th February 1698.

MY DEAR LORD,—The bearer wil, as wel as I kan wertyt it, informe your lordship in what condition our affaires are. Nothing as we kno is resolvet as yit in steat maters. The king is in a doubt whether to go to Scotlant or not. The antient nobility begin-

ning to slacken in theer great ondertakings and promisis puts bussinis at a stand. The Englis parlament is verry trobelsome and ougrat to a king that heath done so great things for them. Frans makes great preparations, both by sea and land, to what end is oncertaine to most heer. This should make England to be opon theer guard, but instead of that, nothing but braking the army and no preparations by sea. If this ends wel it shal be my admiration. Your lordship wil wonder after Maitlant being governeur at Enverlochy, that the bearer is in the post he nou goos to. It is lycke some bussinis may come about, for the king kan not wel continu to alou Ogelvie to act with that insolence as nou he doeth. Every thing done in his moneth is onderhand and by trick and artifice, makes not one step whitout advyse of Castaires and the antient nobility, and imposes sadly opon the others who is my great admiration.

My Lord Whythil heath werit to me about Lidington telling me, your lordship, he and Sir Gorge ware to meet to considerre of a pryce to be offeret for it. I hope it shal not be meddeled whit whitout ane indisputable ryght, and not beyont the value for it. It is comt by a nonentry witchs your lordship wil kno better then I hoe dangerus it is. Monny, as I ame told, is sears in Scotlant, witchs should make lands easi. The house is ane ould one; no inprouements of gardings or orchars about it. Thoos things kan not be wantet, and wil cost large soumes to make them. So I hope that wil be mynded. And, after all, if it warre not for thrie or four, and a thought that some day things may be otherways in Scotlant, I should have a horreur for it. For Gods sake, my dear lord, let not me bey debeat before the cession.

I begin to thinck verry long to see your lordship. If you doe not come quickly I intend to take journey whitin a fortnight, so we wil meet eather heer or theer.

Theer is nothing to be done whit Albemarle; as to what you kno, he wil not meddel; so patiens most be had to better tymes. Argyle the nixt moneth is to get a tytel, some says of marquis, some of ducke, and the ranck as his father had it. He is at present muts doun at the mouth, what the reason is I kno not. I wisch with all my hart you could come of befoor the chanselar, for I doe not thinck bussinis is desperat as yit. The Earle of Arran is lycke to come in to somthing, but what it is I kno not. I hope all wil be wel then. I have no moore to ad, only that I ame intyrl yours. Adieu.

London, Februar 15, 1698.

212. [JOHN, EARL OF TULLIBARDINE, Secretary of State,] to WILLIAM, EARL OF ANNANDALE—As to the prospects of the next parliament. 17th February 1698.

MY LORD,—I have yours of the 8th and 10th. I did not answer your first, expecting your sentiments of your coming by the next, and since I find that your lordship and

others are still of the opinion it is not proper without a call, I doe acquiesce, and shall doe all I can to procure one for you and take the first favourable opurtunity. I am entirely satisfied of your lordships willingnes to comply with what measures your frends and I thought properest. It does engadge me very much to serve you in any thing lies in my power. I shall say nothing of the letters to the treasurie con[cerning] the accompts, but that I am of your mind. But it will be fittest for the lords of treasurie to represent what they judge amiss.

I differ with you that tho others have the management of the next parliament that they will succeed in theire undertakings. If Whitlaws bussines be not done, considering the interrest he and his frends have, they will find it not easie to [do] what they please, especially considering the temper the nation is in with relation to the African Company. For my own part I have no other ambition than to have the king and country in a right understanding, and that just and reasonable things be caried on for both, and am convinced that if the Lord Whitlaw be not president after the steps have been made, that matter will not goe well for them. But some will rather venture the prejudice of both then not satisfie theire private animosities, or even tell (*sic*) much less stick to the truth when they think it does not relish. I shall not say any thing of the report of the excise untill it come up. I belive the king will think it a great some, for he is alwayes very avers from giving any abatements. But indeed this caice is singular and the calamatie of thoes yeares extrodinar. I am entirely yours. Adieu.

Kinsington, February 17, [1698].

I shall not faile to doe my best for Dalmenie. I am very sensible of your lordships justice and kindnes in my law affairs.

I kno you will mind Collonel Row, who has spoke to me about stoping the regiments subsistance because of what was advanced before January, but that that would be hard and occasion his men to mutiny or starve; and the treasury will be reimbursed.

I recomend to your lordship the University of St. Andrews when any of the masters have affairs before you. I was bred there, and am now chosen theire chancellor, which makes me concerned for them.

Indorsed, Earl Anandale.

213. THE SAME TO THE SAME—Intelligence of affairs at court, by Colonel Hay.
21st February 1698.

MY LORD,—The bearer, Collonel Hay, is an honest man, who will acquaint you of what has passed here, and I have writt fully to the chancellor, so I nether need nor

can writte so much at once, and I am desirous he shal be with you as soon as he deserves. I have not incline to itt, or to reason, which I kno young knaves from having call any more at this time. I belive the expences is high, and will not stick att for the good of your country, and the managementt which may otherwayes prove so much prejudice.

I had not occasion to tell this to our frends here, as they had certainly writt to the same purpose. They have writt so largely it were unecessar for me to doe itt, by which and what and the hints the bearer can give, will inform you of my lord, your affectionat cousin and most humble servant,

Kinsington, February 21.

Indorsed, E. of Annandale.

214. [JAMES JOHNSTONE, formerly Secretary of State for Scotland]—The proposal for the king's going to Scotland. 22d February 1698.

I HAVE just nou yours as the bearer was taking leave, answer about your daughter. The expecting you uppon a call was a folly, as I told them. I begin to beleive the justice-clerk is engag'd to retreat if he will. The party here had promised every thing would be doun. Nou, that being not probable, they are Carstairs is sent doun to feel pulses. If he be used as they would have tyme to corrupt people or misrepresent honest men, he will give him a handle to doe. It is not the nations interest that the king should goe doun, being in the hands of such men. They would assume to themselves the credit of that which his presence would doe, and so perpetuate themselves. If the difficultys be to be really such in parliament as to force them to be, there will be a change of hands. I shall speak to Lord Arran, but if a

WILLIAM, EARL OF WILLIAM, EARL OF SCOTLAND. 22d February

22 February [16]98.
I will in a week give you answere to a call was a folly, as I told them. I begin to beleive the king will leave him room to retreat, supposing the king to be ill and full of fears, and which his stay will give him a handle to doe. It is not the nations interest that the king should goe doun, being in the hands of such men. They would assume to themselves the credit of that which his presence would doe, and so perpetuate themselves. If the difficultys be to be really such in parliament as to force them to be, there will be a change of hands. I shall speak to Lord Arran, but if a

cesse for lyfe, etc., be the terms, I will not be his adviser to engage, tho his coming in in conjunction with you and some more would certainly dissolve the present knot. With my respects to your lady and mother, farewell.

215. [JOHN, EARL OF TULLIBARDINE, to WILLIAM, EARL OF ANNANDALE]—The disbanding of Scottish regiments.

Kinsington, February 26 [1698].

MY LORD,—I send a flying [packet], with a letter from the king to the council to adjourn the parliament to the 28 of June next. There is a gift in favours of the Earl of Orkney, of Wilkies escheate. I doubt not your lordship will take caire that Sir George Hamilton have what is due to him.

I cannot help being of the opinion that your lordships being here wond have good effects tho the king doe not call you. I find our enemies are at loss what measures to take and what way to compass theire promises and projects, and I am hopefull honest men and honest designes will overcome, tho there be opposition. Those that have opposed Whitlaw have brought themselves into a straite which they kno not how to gett out off. I am sure the kings bussines cannot goe right if any other gett the presidents place after the lentgh that affaire is come to. I wonder that in the accompt of the fonds was sent up by the treasurie that it was omitted to mention both what is due to the disbanded regiments, and also brought the clearance amongst with the subsistance of the present troops. This may be yett done. The disbanded officers are like to gett no subsistance, for Sir James gott the king to put them off until he shoud see what fonds there was by the accompt the treasurie was to send. And now its represented that the regiments have served in Flanders, as Buchans and Lorns, ought to have subsistance as well, and rather then those that have served in Scotland, and its thought that the three youngest Scotts regiments in Holland will be broke to make room for so many English.

Our officers are in wors circumstances then in other places, for no where troops are broke without ether present payment of arrears, or a certain fond coming in for itt; and not only so, but not to have subsistance untill paied will put many poor officers in a starving condition. And our parliament will not meet untill the English one is up, which its thought will not be before June or the end of May. It is thought that the king will goe to Holland, but measures may alter according to what falls out. I have writt to the chancelor, which your lordship will see. I have omitted to tell him I understand the designe you have last smel'd is that my collegue shoud be president

and the justice-clerk in his room. All I shall say is that I hope my colleague will be wiser then accept of that post. I am afraide you will not read this scrible, but I am, without ceremony, yours.

Indorsed, E. Annandale.

216. WILLIAM, EARL OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]—
The procedure of Mr. Carstairs. [No date, but c. March 1698].¹

MY LORD,—I chose to woritte by Jerviswood because I think itt the saifest and securest way. There hes nott annie thing fallen in heare since your lordship went away that is worthe nottice, onlie I must take the freedome to give your lordship account off a masterpeecce off Mr. Carstairs practice heare since you went off. He hes given itt outt confidentlie to all persons he meets with that your lordship and he parted in a perfite understanding and confidence as to measures in all publick matters, and that you heartillie embrased and joined issue with him in all his proposalls, and that you told him tho a liferent cess might sound harshe to the parliament, yett you made no doubt butt ane eight munths cesse for six or siven yeares duration might be gott, and that you wold engage to act for that your selfe ; and he sayes he did propose to your lordship that you should nott engage with annie partie untill you came to London and then you wold kno the kings inclinations, and what partie he resolves to make use of, which you might then accordinglie choice, and which he sayes your lordship positivelie aggred to. I kno weell eneuge the freedome and lattitude thiss gentleman allowes himselfe in all his conversation and busnesse, soe that itt is neither jealousie nor apprehension off annie thing off thiss natture that makes me woritte thirre stories to your lordship. Butt onlie I thought itt my duettie to lett your lordship kno soe gross and soe remarkable a peecce of falsehood which he hes with confidence advanced heare immediatlie upon your turning your back. He is now gone west ; retturnes in a weeke, and then immediatlie to court again. As annie thing occures worthe your while I shall impart itt. I wishe you all successe in your affars, and that all busnesse may goe to your minde. I have a letter thiss day from Earl off Tullibardine. He presses my comming up. Your lordship will satisfie him off the good reasons I have nott to come withoutt a call, whiche iff your lordship procure I shall verrie speedillie attend you, and serve you soe far as I am capable. I am sorrie to finde by a letter thiss day from Lord Teviott that he is now on the road. I wishe he had stayed. Your lordship beeng there, I am sure he wold have been ass usefull to you as he could. I have discoursed fullie with the bearer in all things, soe shall onlie add that I am, with all sincerittie, my lord, your lordships affectionatt cusine, and most faithfull humble servant,

ANNANDALE.

¹ Original in the Marchmont Charter-chest.

217. THE SAME to THE SAME—Wishing him safe at London, and before Carstairs.
17th March [1698].¹

MY LORD,—I had the honor off your lordships off the 13th from Newcastle, and shall minde what you recommend annent Jedbrugh's regiment. I hope thiss shall finde you saiffe att London, where I hope all matters shall goe to your minde, and itt will be the greatest sattisfaction immaginable to me to hear that itt is soe. For I am perswaded the king and cuntryes service and interest off honest men doe intyrlie depend upon itt. I did deliver your commission to my wife, who hes aye absolute confidence in your lordships sincerittie to hir and hir famelie, and I may assure you of suitable retturns from all of us, soe farr as wee ever shall be capable off beeing usefull or serviceable to you. Itt is now a verrie dead tyme heare, nothing stirring, no compannie in toun, soe that there hes nott passed anniething off consequence since you parted that I can truble you with. Mr. Carstairs is nott yett retturnd from the west. He is expected evrie day, and then immediatlie to court. I wes told his project wes to be there befor you. Butt I hope he shall now miss off his designe. What is worth your notice that passes heare I shall give your lordship the truble off from tyme to tyme, for I am ever, with all sincerittie, my lord, your lordships affectionate cussin and faithfull humble servant,

ANNANDALE.

The 17th off Marche.

I am heartillie sorrie Lord Teviott hes left London befor your lordship getts there. I am sure had he stayed he wold have been intyre with you.

218. THOMAS, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE—That he is going to see the king at Windsor, etc. 17th March 1698.

MY DEAR LORD,—I can say but litel as to publick maters with satisfaction. The antient nobility have all intyrlie in theer hands and run verry insolently away with it. Nothing but patiens must overcome all, for theer is no other remedie. I thought to have comt of befoor nou, but somting heath interveened witchs will keep me some short tyme heer yit. Tomorrow I go to Windsor, wher the king is nou, to make the last effort and then give it over. I may perhaps doe myselfe worong, for I wil be at a point, and shal speeck plain languis. The insolence of thoos people is not to be indured.

I am extreamly wearied heer. I thinck long to see your lordship. Wherfore if I ame to go to Scotlant I wisch I weare theer alreddy. I always remain intyrlie your lordships, adieu.

London, 17 Martch, 1698.

For the ryght honorable the Earle of Annandale, Edenburge.

¹ Original in the Marchmont Charter-chest.

219. PATRICK, FIRST EARL OF MARCHMONT, to WILLIAM, EARL OF ANNANDALE—
Of his journey to London.

New-worke, Friday, 18 March 1698.

MY LORD,—Wee came verie well hither this evening, and have both the weather and way better than formerlie. So I think to be in London upon Wednesday next.

Jerviswood overtook me at Ferriebridge Wednesdays evening, and went on post to London, where he will be to-morrow. I got from him your lordships letter, and had time enough to discourse with him. It is hard for one to beleive that Mr. Carstairs had taken such a libertie of speaking; but if he have, he has done verie ill, and what my conversation affoorded no ground for. A litle time will convince all of this.

I have got some letters from my Lord Tulliebardine, but no newes other then what the publict prints carrie. I met Sir Thomas Burnet upon the road yesterday, who told me that the king goes to Windsor this day, and then to Newmarket, so that I doe not think I shall see his majestie the next week.

So soon as I meet with anything I shall write to your lordship and to other freinds whom I used to converse most with. Now I remain, my lord, your lordships most humble servant and affectionat kinsman,

220. WILLIAM, EARL OF ANNANDALE, to [JOHN, EARL OF TULLIBARDINE,
Secretary of State]—Sir Hugh Dalrymple made president of the Court of Session. 24th March 1698. Draft.

MY LORD,—I am to correct a mistake I made in my last by telling your lordship that Whitelaw wes to send his letter off pension enclosed in a blanck sheett off paper by that post to Sir James Ogilvie. I told you soe because he assured Earl of Rugglen and me that afternoon att five a clocke he wold doe soe. Butt by what advice I kno nott, he wes prevailed upon after wee parted with him to alter his resolution. Now he assures us bothe that by thiss post he will send itt to your lordship that itt may be given back; for with oaths he protests he will nott make use off itt unlesse you command

him see to doe. I confesse I see nott how he can accept off itt after the treatment he hes mett with, withoutt loosing a greatt part off the creditt and esteem he hes gained ammongst most men ; and I wold nott have him doe a mean thing, especiallie when he hes no temptation, for he is verrie weell in the world, and yow kno he hes nather brothe[r] nor bairne to give itt to. Besides thiss pension wold be butt a verrie elusorie and ineffectuall busnesse, for no such pensions allmost are payed. Besides, if he goe nott thorow stitche he must nott expect to enjoy even the name of itt long. Soe I should be sorrie they had itt to say that they had carried him by with a bable. I am to goe outt of toun the morrow to the Master off Carmichaells marriage with the Earle of Lawderdale's daughter. I shall be in toun the beginning of next weeke, and then I shall give your lordship annie thing worthe notice that falls in. The first and onlie visitt I ever had in my life from Commissary Dalrymple I receved thiss day. He told me the king had made him president, and that he desired to live weell with all, especiallie with those who had the honor to be on the bencle. I told him I did expect allwayes ane other president, and I wes sorrie for the dissappointment, and that annie who had inclination to live weell with me I wes nott to give them reason to doe otherwayes. Thiss wes the subsistance off what past in reference to thiss matter ; onlie he sayes thiss comes to him unexpectedlie and what he wes nott asking. But yow are to beleve thiss ass far as yow please. I am, my deare Lord, withoutt ceremonie, ever yours.

The 24th off Marche.

221. [JOHN, EARL OF TULLIBARDINE, to WILLIAM, EARL OF ANNANDALE]—Regarding the appointment of president to the Court of Session. 29th March [1698].

My LORD,—Sir James Ogilvy denied that a new president was named, till the very day that we must heare it from Scottland, which was yesterday. It was indeed very surprising to me and all good men here not beliving that when the chancellor was so neare that Sir James woud adventure on what himself has often sworn he woud have no hand in. But he continues to make his folly and falsnes equally appeare, for to one company he sayes he had no manner of hand in itt, but was forced to itt, in another company he sayes he was for Mr. Hew Dalrymple before any other. In short, he will say and unsay to the same company in a breath. But I hope such methods and bad advices will not alwayes hold water. All the world shall see I prefer my word to my interest ; and I assure your lordship I am extreamly glad to find you so firm and sincere in your resolutions to concur with me, who shall not fail you, being sincerely yours. I shall writte fully shortly by a sure occasion.

Kinsington, March 29.

222. WILLIAM, EARL OF ANNANDALE, TO [PATRICK, FIRST EARL OF MARCHMONT]—

The appointment of the president of the Court of Session, death of Lord Raith, and the Earl's desire for his vacant post, etc.¹

The 29th of March [1698].

MY LORD,—I am mightilie sattisfied to finde by your lordships off the 24th that you are gott all saifie to London. Annie thing that goes weell with you and your familie shall ever be ass pleasing as itt were my oun concerne. You have my sincere good wishes, and when occasions offerre shall ever have my best endeavours. I may easilie immagine what your surprize and concerne wold be att the newes off our president; and since I have discoursed thiss ass weell as other matters soe frequentlie and soe fullie with you, and soe laitlie too, I think I need nott truble you by telling you how the dissappointment takes heare ammongst all honest men. Your lordship will be quicklie sensible off itt when you are upon the place, and I am affrayed the effects and consequensces shall appeare butt too eminentlie in the kings busnesse heare, the true interest off his service, and the good and happinesse off all honest men. Butt your oun experiance and knoledge off men and things heare discovers a more perfite sense off thiss then I can give you. The manner, way and tymming off thiss busnesse is what is ass surprizing as annie thing, and that by your lordships letters and Earl off Tullibardines off the 24th wee finde then you knew nothing off itt. When att the same tyme the expresse which broght the presidents letter arrived att Edinburgh upon the twentie first, and that I see by your lordships that Sir James Ogilvie hes been with you, and itt seemes said nothing off itt. Your lordship may remmber my apprehensions were greatt att parting off what is now come to pass, and that busnesse wes consertered. I say no more now upon thiss subject, butt doe heartillie wishe from my heart and pray that God may direct you soe in all your undertakings and proceedings, and give you such successe as may nott onlie be for the honor and creditt off you and your familie, butt for the true interest off his majesties service, prosperittie and happinesse off thiss poor nation, and the sattisfaction and quiett off all honest men.

I am sorrie you have the newes by thiss post off my Lord Raiths deathe. He wes a good and reasonable man. There will be mannie indirect attempts and endeavours for thiss post. I hope since the king hes done me the honor to putt me on that commission, my service hes been such that I may with equall reason with others pretend to itt. I have that confidence in your lordships frindshipe and concerne for me and my familie that itt is your assisstance, and to have you doe for me in thiss that I covett most off annie thing. Itt is to your lordship and my Lord Tullibardine I desire

¹ Original in the Marchmont Charter-chest.

to owe itt. If the king denye me thiss att thiss tyme, I kno nott that I am ever to expect annie thing. I hope I need nott tell your lordship what my attendance is, and that evrie yeare since I have been in his service my attendance hes occasioned my expence to be duble what I have by the government. Soe that iff the post can be procured, your lordship knowes itt hes two hundredthe pounds off cellarie more then what the other lords of thresaurie hes, and iff three hundredthe pounds could be gott added to thiss itt wold make my cellarie ane thousand pound, which I must say wold nott enriche me, nor can be thought to be much outt off the way when itt is considered what the Duke off Queensberrie and Earl off Argyle have off the publick and what is done for itt. I think I may name yett the familie off Melvill. However, thiss matter as to me I remitt intyrlie to your lordships own conduct, with a perfite confidence in your concerne for me. I cannott think the king, when pressed by your lordship, will denye thiss, and there can be no greater satisfaection to annie man then to have his interest goe allongst with his sincere inclination, which att thiss rate will be in my giving sincere proofis upon all occasions that I am, my deare lord, your most faithfull friend and cusine, and most humble servant,

The lords of session mett thiss day in order to admitt the president, butt finde they cannott till June ; for itt beeng vacance he cannott performe his tryalls withoutt which he cannott be admitted. Butt they have woritt to the king, which I have nott seen, beeng ill off the toothach.

223. SOPHIA, COUNTESS OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]
—Asking the post of treasurer-depute of Scotland for her husband.¹

March 29, [16]98.

MY DEAR LORD,—I was verry glad to hear to-day that your lordship and my lady wer arived saif in London. The assurances that yow have been soe kind to give my

¹ Original in the Marchmont Charter-chest.

lord and me of your favor and frindship incourages me to give yow this truble, to beg yowl wse your intrest to procure for my lord the tresseseurs deputs place, now vacent by my Lord Raiths dath. It is but a smal matter, and such as I am shur the king will not make the least deficulcie in, for it is alwayes his way when he hes done such a harsh thing to a partie (as this of the disposal of the presiedents place) to retrive it a littel by oblidging thos of the contrair with soom smal things to sweeten the bitter pill and make it goe doune more easilie. Soe that I am perfittlie persuaded if your lordship and Lord Tulliebardin wse your intrest in this you will prevail. I think I need lay noe reasons befor your lordship to prompt yow to act effectwalie in this matter since the circumstances of affiirs and of our partie, after this blow of losing Whitlaw, speaks of themselves. For it is alwayes nassarie to make the best of bussienes, and that [is the] greatest reason can be wrged why honest men should lay the stress of their credit upon getting some favor cgnfered on one of ther number that thos pipil who are now soe exaltered upon this chang may be keepeid in soome bounds. For if this is nott done our partie will be tottalie discouraged and brok, and one may confidentlie say your lordships and my Lord Tulliebardins intrest will suffer mightielie by it; and if this is refused my lord, I scarce belive he will truble his frinds annie more. I know soom that wold nott have it will object that it is below my lord, but he himself thinks it noe disparagment since ther is noe hie tresseur. Butt to make it more honnorabel, I belive if your lordship gett the thing it will be easie to gett the pension maid £500, which is 3 of addission, and will maks his in all £1000, which one wold think may be done since ther is now a prepreative for it by giving £300 out of the kinges pocket to adde Lord Justus Clerk to the tresseuarie; and indeed noe unreasonable thing eather, for menie of them may be soon £300 ward in the kings service. Now, dear cussin, pardon this freedome, and belive I uish it nott onlie for my oun privet intrest, butt for your oun and the countres. I think ther will be noe great need of complements betuixt ws, but this I may assure yow, my lord desires to owe it to yow and to make verry gratefull accnoledgments of it, and if wance soe tyed and engadged I darr assure yow yow neaver had a more faithfull frind and servant. I am affraid Tilliebardin having mett with such hard mescur in Whitlawes affair will nott be in that freedome and credit to act in this as your lordship, soe that wee must roll it wholie over upon your self. Butt lett me beg one thing, that yow wold nott lose time, butt gett butt on moment of the king in surprise and the thing is done. My mother and I give our humbel ser[v]ice to my lady.

I ever am, my dear lord, your affectionat cussin and faithfull humble servant,

S. ANNANDALE.

224. PATRICK, FIRST EARL OF MARCHMONT, Chancellor of Scotland, to **WILLIAM, EARL OF ANNANDALE**—Sir Hugh Dalrymple appointed President of the Session.

London, 31 March 1698.

MY LORD,—The newes which came from there of Comissarie Dalrymples being appoynted president of the session were verie surprising. I now understand that the king had resolved sometime befor, and that he declared it and sent down the letter befor my comeing hither, of purpose to prevent my reasoning with him upon that subject, haveing understood something of my inclinatione by a letter I had writen to his majestie. Since it is done their is no more to be said.

My Lord Tullibardine is vexed and troubled at it. My endeavour is to qualifie him and to rectifie his measures which doe not please me, and I fear if I prevail not upon him the consequences may be bad.

I hope you will use your utmost skill to hinder my Lord Whytelaw to doe any thing rashlie or which is unbecomeing. But I am perswaded it will not be uneasie with a person of so much understanding as he is. I have had a verie short audience of the king on Tuesday last ; am to have another the morrow at ten a clock. I will endeavour to acquite my selfe both honestlie and prudentlie in giveing my opinion to the king, still remembiring, as becomes a subject, that counsel is no comand. I must have a reguard to the main chance, to witt, the legall establishments and the stabilitie of the government, so as to have no hand in what may give the common enemie any advantadge.

I will undoubtlie mind what your lordship and my lady wrote to me, and manadge it the best I can for your entrest.

Let me know plainlie what I may assert for you to the king in this juncture, and I will act the paire of a freind as being, my lord, your lordships verie affectionat cousin and humble servant,

MARCHMONT.

225. [JOHN, EARL OF TULLIBARDINE,] to **WILLIAM, EARL OF ANNANDALE**—
That he has resigned his office of Secretary. 3d April [1698].

MY LORD,—This caries you the news of the chancellors being named comissioner to the parliament, but in such a manner that it is evident to himself that he is to make room for another to be chancelor, who in all probability will be the Earl of Argile, who its thought, they will desire shoud be president to the parliament. So you see we are like to goe into honest hands for the kings true interrest. Let me kno who I shoud desire the chancelor to propose to be president, for I know he does not desire

Argile, and I belive you doe not encline it shoud be yourself, for you have not gained more by your services than Whitlaw has done, or I am afraide few honest men will doe so long as there are such enemies to our king and country in this place. It is with a great satisfaction that I have yours of the 22, in which you give the continued assurances of your concurring intirely with me in what measures may be for the true interrest of the king and the nation, notwithstanding of the discouradging steps that has latly been made, which I hope will rather make us the more watchfull to prevent the further designes of the enemies to both. I understood plainly by my lord Ruglens letter of the same daite with yours, and also what you hinted in your oun, that it was your opinion I shoud lay down, which I hope I have done in so honourable a manner that my frends will not only aprove of it but continue the closer to me, since I have by this action shonen my self so much for the true interrest of my country and the honest men in itt.

I need not repeate what I have said to the Lord Whitlaw, nether indeed can I at this time, but he will communicatt it to you, and I kno whatever measures you take or designe you will keep them quiett, but that you will double your diligence in keeping honest men from being deceaved or imposed on. I am intirely yours.

Kinsington, April 3d.

I cannot but tell you that I have just now thought that none is so fitt to be president of the parliament as the president of the councill, and then I doupt not we shall doe very well, but I'le say nothing till I heare, but doe not mention itt, for that may be the way to prevent itt.

Indorsed, E. Annandale.

226. WILLIAM, EARL OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]—

That he expects his interest in securing him a post in the government. 5th
April [1698].¹

MY LORD,—I have the honor off your lordships by thiss post. You may engage and promise ass much for me to the king upon thiss juncture as you doe for your selfe. Wee are assured heare my Lord Tullibardine hes resigned. I cannott woritte now soe fullie upon thiss as I shall doe afterwards to your lordship. Onlie I shall say my lord is a worthi honest man, and ought to be considered as such by evrie bodie. If your lordship will have a frinde in that post, and one you may for ever confide in, I hope I may expect youl doe for me; and if bothe thiss and the thresaurers deputs place escape, I shall kno what I am next to expect. Your lordship will pardon me this

¹ Original in the Marchmont Charter-chest.

freedom, since I kno you have no sincerer freind then my selfe: and be in what station I will, shall ever make use off my character to serve you. I woritte this annent the secretaries post allwayes supposing my Lord Tullibardines business is past retriving, and that iff your lordship press itt I doubt nott itt will be done, since the king will not doe all for one partie, and that he will nott think to have matters goe smoothlie the next session of parliament, iff att least one be nott made secretarie who will be acceptable to the honest men off this nation; and I hope my interest and creditt there is ass good as annie others. I leave thiss to your lordship, and shall ounre itt and owe itt to you and ever act as, my deare lord, your lordships most affectionatt kinsman and most humble servant,

ANNANDALE.

The 5th of Aprile.

227. THE SAME TO THE SAME—Congratulating him on being appointed
commissioner to parliament.¹

Hollyrude houss the 7th off Aprill [1698].

MY LORD,—I am mightillie sattisfied to finde by thiss days post that the king hes declaired your lordship is to be his commissioner for thiss next session off parliament. Itt gives me greatt hopes that all matters may yett goe weell, and that your lordships measures will be followed soe as vacant posts will be supplied with honest men, and such as will be soe acceptable as may make all busnesse goe smoothlie and currentlie. Itt is talked heare that the secretaries post will be keptt vacant till the parliament be over. I cannott think that will prove a good measure for the kings busnesse, for I judge expectations and hopes will goe no greatt lenthe. Wee have had two councell dayes thiss week, Twesday and thiss day, and have adjurned to the second Twesday off May. Your lordship will have the minutts sent you, by which youl see what wes done. I aske pardon for thiss truble, and shall ever lay hold on all occasions to convince your lordship and the world that I am, with all sincerittie, my deare lord, your lordships faithfull and true friend and most humble servant,

ANNANDALE.

[On the same day Sophia, Countess of Annandale, wrote to the Earl of Marchmont, urging him to provide her husband to the secretary's post.—Original letter in Marchmont Charter-chest.]

¹ Original in the Marchmont Charter-chest.

228. PATRICK, FIRST EARL OF MARCHMONT, Chancellor of Scotland, to WILLIAM,
EARL OF ANNANDALE—His opinion of Lord Tullibardine's conduct.

London, 14 Aprile 1698.

MY LORD,—Since I came hither I have got your lordships letters of the 29th March and of the 5th and 7th of Aprile, and two from my lady. I am not able to give any particular answers, for I have had verie little time with the king, who went to Newmarket upon Munday was seven night, and is not to return till Saturday. But your lordship may be assured that I will endeavour all I can to have a good and acceptable answer to give so soon as is possible.

I am heartilie sorrie that my Lord Tullibardin hes taken such a way as you have heard of. It hes been contrarie to my opinion and earnest advice, and I am likewayes verie sorrie that my Lord Whytelaw hes, as I heard, sent back the letter of pension to my Lord Tullibardin. I can perceive no good tendencie in these methods. If my Lord Tullibardine ask my opinion it will be that he should send it back again to my Lord Whytelaw and conceal his haveing sent it up. My lord, I give you my sincere advice that you make it your bussiness all you can to dispose my Lord Whitelaw and others to act kindlie and heartilie in the king and countries affairs, as if the surprizeing things which have late lie happened had not fallen out, and then I am sure things may yet goe well. I pray you advise my Lord Ruglen the same thing. I know he is a person of a stayed temper and will consider accordingly. I have been necessitat to be so late abroad that I cannot write more now, but shall doe it at large afterward. I am, my lord, your lordships most humble servant and affectionat cousin,

MARCHMONT.

I pray give my service to my lady.

229. THE SAME to THE SAME—The Swedish ambassador ; Lord Whitelaw's pension.

London, 26th Aprill 1698.

MY LORD,—I have verie litle to say other then what I wrote befor. The last tyme the king spoke to me he told me he wold take more tyme with me this week, but he is verie bussed and hes not done it yet. He goes to morrow to Windsor to give publict audience to the Swedish ambassador, who made his publict entrie thorow the citie this day to the house appoynted for him in St. James's Square. A report which goes here that your lordship and my Lord Ruglen had great hand in my Lord Whytelawes sending up the paper to the Earle of Tullibardine], desyreing him positivelie to

give it up here, troubles me verie much. He hes sent it in a letter to Secretarie Ogilvie, much against my will: I am afraid it do prejudice, and I am sorrie if any of you two have had hand in the bussiness, seeing I am so desyreous to serve you both. It must be a great trouble to me if you should fall in wayes to cross me in it. But I know not what to say till I hear from your selfe and my Lord Ruglen. I have had no letter from him, but a line from my Lord Whytelaw about him. Neither have I tym to wryte now to his lordship, but I will endeavour to doe it next post. I am, my lord, your lordships verie humble servant and affectionat cusen,

MARCHMONT.

230. THE SAME TO THE SAME—Regarding the Treasury accounts.

London, 17 May 1698.

MY LORD,—I have your lordships of the 28th Aprile, whereby I perceive you think of being in Annaudale some time of June, but I heartilie wish that you may be in Edinburgh against the first of June, to assist all you can in bringing the Thesaurie accompts to a clear ballance. I am sure it will be your lordships adyantadge. I have reason to think that if you be not deficient in your selfe, which is not to be suspected, your entrest may be verie secure. The king has not, as yet, taken full time with me. He goes to Winsor to morrow, where he is to stay this week and give audience there to the French ambassador, who made his publict entrie yesterday.

I spoke to your lordship sometime agoe for a commission to my son Andrew to represent in parliament one of the burghs in Annandale. If your lordship procure it I will reckon it a kindness and favour, and be accountable for it. Sir Patrick Hume goes off to morrow, and may be at Edinburgh next week, who will give your lordship account of all passages here more fullie than I can write. Wee have had a verie bad season here till within these few dayes that it is become more temperat, as I hope it is now with you. I am my lord, your lordships verie affectionat cusen and humble servant,

MARCHMONT.

231. JOHN HAMILTON, EARL OF RUGLEN, TO WILLIAM, EARL OF ANNANDALE—
Lord Teviot's letter to Lord Tarbat, etc.

Minthouse, 19 May [16]98.

MY DEAR LORD,—If I had knownen of an occasion sooner, I had written to your lordship before this. Their is little news at present. Some are of opinion the parliament will be furder adjourned. You will have heard how much noise that letter my Lord Teviot wrote to Tarbett makes above. The last has been very disingenuouse,

which you may remember I told yow of in the Abbay. My Lord Tullibardins letter here inclosed will give you a fuller account. I have had another since from him, wherein he sayes it will be the end of this week before he can gett of. The king was to speak with him. When I know the result of it you shall be acquainted. No places its said will be disposed of till after the parliament. Things are delay'd till P[ortland] come over, who is expected soone. The businese of the excye sticks, which perplexes the Lord Belh[aven] and And[rew] Morton. This toun is very empty, and affords nothing worth your trouble of reading. I am, my dear lord, your lordships most affectionat cousin and most humble servant,

RUGLEN.

232. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE
—Begging him to come to Edinburgh; the disposition of Lethington, etc.
1st June 1698.

MY DEAR LORD,—If anything had occurred sinc your parting worth whyle your lordship would certainly haide it. From London we have nothing, and Edinburgh affords but clis clas. I ame in hops your lordship desyngnes sooner for this plase, as we have the nieus heer a thesaurie is migtely wanting, and as I ame told several letters from the king are waiting for it. Ennemys are reddi to take hould of the least occasion, altho groundles. It should to my opinion be all our ears to disappoint them, so in short come to toune if affaires wil anny ways permit it. I doubt not but your lordship knoos the parlament is adjurned to the 12th of July, at witchs tyme, as my worthy freend, Sir James Ogilvie, tels me, it wil certainly meet. I heer from London that my Lord Albemarle, to the surpryse of menny, goos to Paris. I ame told that the Dutches of Lauderdale heath signed the convyans about Leedington to the Earle of Lauderdale. Sir Patrick Homs is said to have brogt it, but stays stil in the Mars, opon the account of his brothers death. The Earle of Portlant I suppos is by this tyme at London. Al this great nieus is not whitout a streach. I long extreamly for you and make no the least doubt but to see your lordship in a verry fiu days. I ame, my lord, your lordships verry humble obedient servent,

TEVIOTT.

Edinburgh, June 1, 1698.

233. SIR GILBERT ELIOT of Minto, clerk to the privy council, to WILLIAM, EARL OF ANNANDALE—Death of the Duchess of Lauderdale.

MY LORD,—I was not in toun when I had the honour to receave your lordship's last, and since the first of June that I arived here I have neither heard nor seen any thing

worth your lordship's trouble, for the publict news letters are both barren and come alwayes to your hands, and I think private affairs keep pace with them. For last post I had a lyne from my Lord Chancelor, wherin he tells me he knowes not when he will paire and that the king hath spoken nothing to him as yet of it. But surely his stay ther cannot now be long, the parliament being adjourned only to the 12th of July, at which tym it will certanly meet according to what his majesties letter did bear, and as it's ascertained by all hands from London. The uncertainty of Portland's arivall keeps things so undetermined ther. By a letter I saw yesterday I think the Dutches of Lauderdale is dead, for upon the fourth instant, after great convulsion fitts in the morning, she was become speechless in the evening after frequent relapses into these fitts. I hear that as his majestie declaired he would supply no vacances untill this session of parliament wer over, so he put off the Earl of Lothian's request to be made a marques upon that same account.

The trifles past in councill (besyde the adjourment of the parliament) are all contained in the journalls herewith sent by, my lord, your lordship's most humble and obedient servant,

GILB. ELIOT.

Edinburgh, 10 June 1698.

234. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—Rumours of new wars, and new plots against the king, also of military changes in Scotland, etc. 10th November 1698.

MY DEAR LORD,—The king not being count as yit no bussinis is stirring. It is said ther is great working for a speaker to the house of comons, and severals as wil not please neamd for it. Of the other hand ther are nieu rumors of wars and nieu plots brock out again, as desyning atemps against his majestys person witchs the Frens, as it seems, wil never give over. I doe not love to name particulars whitout I have moore clearnes, but ther is somting as to what I werot in my last about your comming op. It seems plausibil anof. But I kno and consider verry wel that good desyngs menny tyms succeed il, and that it is not verry pleasing to squander tyme and munny away at . . . as this is, especiaaly in this juncture. Therfor, you see I ame not verry positive in my letter, but told you whos opinion it was. I have not seen that person sines I got yours, but he was verry positive then, and as I suppoos is so yit. Hooever, *priusquam insipias consulto et ubi consulueris mature facto opus est.*

I doe not beleeve that my wel wischers have anny good ground to say that I ame not to come back to my comand again. Sefeed, as I am told, gives it out that he is sure I shal quit, in witchs he is mighty mistaken. But this is done of desygne,

thincking that it will displease the king. The Dutch Gaset says that Ramsay is to comand his Majestys forcis in Scotlant, and that the Viscount of Teviot is to have some imploiment in Engelant. I kno Ramsay is comming to Scotlant because he heath no moore comand in Hollant. Alou me to say somting for my self whitout thincking me vain, for it is not int, that is if I be remooved from Scotlant. I have served the king theer whit as mutch cincerity, seal and affection as anny that shal come in my plasse. And as for what is said of having made great profits theer, and as thee have put it amongs the Englis heer that I have hade during this last warre the most beneficial post of anny in the thrie kingdoms, having made abof thirty thousand pound sterling, witchs if it was, as it is not wel possible in Scotlant, it must have been by indirect ways. And as for that I appeal to all that will consider what is what. If another had been in my post, possibly would have made advantagis of commissions as heath been mutch in practice during this last warre ; but for that I appeal to the brocken officirs, that what it heath kost them that way, the may eale back for to subsist opon nou when the are in sutch a distresse. Menny that should heer this would say I was but a fool for my pains, and as sins it is beleaved, it is the same whether I have done so or not. But ther I differ from them. Yit it is somewhat hard to be beat with the spit and not teast of to roast. But I have that satisfaction in my self that I have treatet this particular with moore generosity, justice, and equity than anny of thoos sugesters would have done could the have hade the occasion ; and so what the king pleasis. This then and menny moore reasons moves me not to be so forward in the bussinis of Ledington. The Earle of Dysart heath been whit me at my lodging, who pretens to be mutch inclyned that our berging shal hould. But I ame told is as fickel as some in the north country. I must see some clouds remooved and a clearer sckye befoor I move anny moore. Jhonston is in the country ; my Leadi Dorseter whitin forteen days of being brought to bed, the Countes of Orcknay lyckways. Horribel whedder wee have heer of frost and snoo. In Hollant theer heath been so mutch sno that theer was no traveling. In Frans the wyns are spoiled, so make good provisions in tyme. Take this as a certainty, for I have it from good and impartial hands. To conclude, it loocks all the wореld over as ane universal destruction, of witchs I fear Scotlant wil bear a large chear. Some of the mennagers of the leat parliament theer begin to confes this nou who gave it out befoor and would undertake to make it appear that Scotlant never was in a better condition as at present, send theer emisaris about amongs the Englis to spred this. I wisch thee could proove it. Could I conclude this with some pleasing nieus to take of the tidiousnes of reading it I would. This I must delay until better occasion. So, my dearest lord, helth hapines atend you and yours.

Sins the ending of my letter I have seen a list of our nieu counselors, and what of

the ould are turnet out. I thinck as to the tymes ther plassis are myghty wel supplied. I hear the Earle of Argyle heath been at Falkirk and ther ordered my troop to mount and appear befoor his lordships lodgins, but to sho his great autority ordered them to ther quarters again whitout seing of them. I shal presume to give my humble service to my leady. Adieu.

London, November 10, 1698.

235. JAMES, VISCOUNT OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE—
The disaster to the Darien expedition.

Whitehall, January 4th, 1699.

MY LORD,—I believe the king is returned this evening to Kensington, but not haveing seen him I can give your [lordship] litle further account in our affairs ; only we have received a very sad account of Jamison and his crew by Captain Macklean and Captain Forbes, who are arrived hear in an English ship from Jamaica. Captain Forbes say both Jamison and Starks ships arrived safe at Darien, and that they continued for some time ther, that they had provisions for all their number for 3 months, but by accident one that was drawing brandy did fire Jamisons ship, which containd most of their provisions, and that they were necessitat the next day to come aboard of Starks ship and direct their course for Jamaica, but were much straitned for want of provisions on ther voage ther ; that a great maney dyed befor they reached Jamaica, and that maney dyed after they landed ther, and those that were alive engaged themselves in service ; that they were kindly and civily entertaind by the governour, and that Peunycoks ship is laid up ther, and Captain Mackclean, who commanded her, left ten or twelve men to take care of her. This is the soun of what they both say, save that if they had had either private credit or money they would have got provisions ; and that two sloops came to Darien after the proclamations with provisions, but that they wanted money or credit to give them. This is what, I think, they said, and this is only to yourself, tho I doubt not but that they will say the same thing to every one they meet with, for I desired them to tell me nothing but what is certainly true. They were with my Lord Carmichael befor they came to me, and they have been since with my Lord Bazil Hamilton. So your lordship will see if he gives the same account of this matter, for no doubt he will writ to the Company. I shall give your lordship no further trouble at present, but that I am, my lord, your lordships most faithful and most humble servant,

SEAFIELD.

Earle Annandale.

236. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—The Earl of Argyll and the army, etc. 5th January 1699.

MY DEAR LORD,—Wischart is but comt whithin thees sieus days, so yours whit him is of ane ould deat. I see theer are great endeavours mead to recall the six moneth precept, witchs if done the officirs nou wil expect to be wsed as thoos befoor them theer. For my one part I can serve the king for some tyme whitout pay, but so kan not evry bodd. We heer the nobel Earle of Argyle, who as the weryt from Scotlant says himself is to be Ducke of the Iles, heath falen opon a way to have himself paid of that six moneth precept. If after that it be stopt to others, we must beleeve, as he says it himself, that the management of Scots affaires doeth soli depend of his lordship. We hear lyckways from Scotlant that the fonds out of witchs the forceis are paid is to be put into colection by reason that no pay masters nor comisaris are to be found. I doubt not for the first, if it be put in colection, but the colectors wil be Charles Campbel and the other brother, with some others of the earles cronis. As for the dificulti of getting commisaris noboddi must wonder, for sins people are to be used as thee have been, when whit great dificulti last year magasins wear mead of a suddain, the troops wear send from thens to other plassis whitout having a farthing aloued them for it. Besyds the troop of guards at this juncture is a load opon the nation; for altho I have taken pains to send the dragoons to remote plassis, and sutch as whear the fourage was easiest to be had, the troop of guards must be at Kelso and theerabout because it leys in the earles way; and all this with a hyg hand. That no undertakers kan be found after this to advance ten thousand pounds, others may, but I shal not wonder.

It was thought that the house of commons should have made ane amendement to theer bil about the army, but yesterdai thee have adheret to it whitout anny alteration, witchs I thinek is verry surprysing. This puts for as mutch I kno Scot bussinis as yit to a stand. Letters are often tymes opened at this tyme, so shal give your lordship no further trobel, but wisch you mutch helth and happines in this nieu year. Adicu.

My agents brother, Hamiltone, being concernet in a ship that transports men to the plantagions, nou leying near Glasco, heers that theer heath been a stop put to the transporting of volentari men. He heath had a great number onder pay this whyle by past; desyres your lordships favour in casse it coms befoor the counsul again.

London, 5 Januar 1699.

237. REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE—Regretting
the misunderstanding between them.

London, January 23, 1699.

MY LORD,—I presume to return my humble acknowledgement for the kindnesse that Hugh Cunningham writes your lordship is pleased to expresse towards me. I would gladdie perswade my selfe that had it not been for the misinformations of some men whom your lordship did think you had reason to give credit to, your lordship would have had other thoughts of me then I am afraid your lordship hath for some time had. All I shall take the libertie to say is that I have been so farr from doing your lordship injustice that I have not offered to conceall your zeal for the kings service in the last session of parliament, and I assure your lordship that my Lord Seafield hath done you all the justice that your lordship could have desired. Pardon, my lord, this trouble, and allow me to subscrive my selfe with all dutie, my lord, your lordships most humble and most faithfull servant,

W. CARSTARES.

238. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—In reference to the Army pay, and the appointment of Lord Carmichael as secretary.

London, 26 Januar [1699].

MY DEAR LORD,—Was I not used to ane underhand way of dealing of some people, I should be moore surpryzed at the second letter that seems to have been send about the stopping of the clearings precepts. All what I told your lordship in my former passed then; and because I was not wel pleased with the draught of the first letter, Sir David Coilyer and I went to the secritaire and told him that we weare affraid the lords of thesaurie might understand by the letter that the king intended the precepts should be stopt, and I, having been present, refrest his memorie th.t the king did not desyngne it so. He told ther was not the least intention of stopping the precepts, but only to secure subsistence upon witchs we restet satisfyed, or els we would have spocke to the king in the interim it seems, for he heath been verri bussi of leat. He heath got a second letter to stop them, the desyngne of witchs I cannot understand, when it is evident ther is not the least reason for it. All I can doe is to represent the mater to the king, but your lordship knoos it is better hadden then drawing, and easier to hinder then to procure; and so I ame affraid it is to leat. Hoeever sins the one half of the clearings precept is paid I hope that shal not be stopt of our clearings, for onles the secritaire gives his particular reasons it is od that maters are done after this way.

Our menngagers are verri secreet in theer bussinis heer, but if the surmyse we have is true, your lordship wil kno befoor this doeth reatch you that opon Tuesday last a flying packet went of to acquaint my Lord Carmichael that he is secritaire. If it be so, your lordship wil kno hoe to take your one way to deal with him befoor he coms of. I wisch your lordship heer one anny termes; for if maters stand long ass the doe at present, bussinis wil be put so fur worong that ane eage wil not redres them, and after all I doe not see what way.

As for other maters I kno nothing as yit for onles we have it from the king himself we kno nothing, so good are the meunagers. Secreci is necessaire somtymes. The parliament bussinis heer takes so much of the kings tyme that I have not thought it decent to trobel him whit anny of my one or what relats to affaires I ame concernet in in Scotlant. The bil about reducing the arme heer is nou befoor the lords. It is thought generaly it wil pas. We must expect all our Scots nieus from Scotlant at present, so by the nixt post I expect some from your lordship.—I always ame intyrl yours, adieu.

London 26 Januar 1699.

239. JAMES, VISCOUNT OF SEAFIELD, Secretary of State, to WILLIAM, EARL OF ANNANDALE—Intimating that the king has conferred on the latter a pension of £400.

Whitehall, January 31, 1699.

MY LORD,—As I had a great deal of satisfaction in the renewing our friendship when I was last in Scotland, so I shall improve all opportunities to convince you how desireous I am to do you service. His majesty has been pleased to give your lordship a pension of four hundred pound sterlinc, and I was very glad to be the obtainer of it, since it is a convinceing proof that I have been faithful to you in representing the service you did in the last parliament. My Lord Carmichael is my conjunct. I shall make it my endeavour to live well with him, and it will be all our intrests that are employed in his majestys service to agree togither and to shunn all occasions of difference. The justice clark or Sir John Maxwell will be treasurer depute; the Earl of Lauderdale is general of the Mint. The Earl of Lowdon is made extraordinary lord of the Session, and the Earl of Marr is made captain of Stirling Castle. The president and Phillipaugh each of them have got 200 pound of pension. I hope this will convince your lordship that his majesty has followed out that measure which you formerly approved of by encourageing those who served him faithfully and by discourageing such of his servants who openly opposed him in what he only desired for our own security and preservation. His majesty has been also pleased to give me a

gratuity of a thousand pound sterlinc, whereof £500 woud have been due for conjunct secretary, and so the other 500 is the only additional charge. I do assure your lordship, considering the expences I was put to in the parliament and since I was first made secretary, I will be no great gainer. However, if I can but serve his majesty faithfully and signify something to those who are my friends I shall be satisfied. I have been late at Kensington, and so can only add that I am, my lord, your lordships most faithful and most humble servant,

SEAFIELD.

Earl Annandale.

240. REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE—Exchanging compliments and recommending the Rev. Mr. Blair to his favour.

London, February 7, 1699.

MY LORD,—The civilitie of your lordships very obligeing letter that I had the honour of by the last post does embolden me to give your lordship the trouble of these lines, by which I presume to return my humble acknowledgements, both for the justice and kindnesse that your lordship is pleased to doe me. I am, my lord, very sensible that mistakes are not well to be cleared at a distance, and I hope I shall not be so defective in the dutie I owe to a person of your lordships qualitie as once to offer to mention them more seeing your lordship is pleased to forgett them. I have acquainted Earle Portland with what your lordship was pleased to write about him, and I doubt not but he takes it very kindlie, as upon the next occasion I have of waiting upon his lordship I question not but I shall be ordered to say so much to your lordship in his name. Mr. Blair, the minister, hath obtained a precept from his majestie in consideration of a small summ which hath been for some years owing to him. Pardon me, my lord, that I recommend him to your lordships favour for obtaining of sure payment; but his worth and modestie speak more for him than it is fitt for me to doe. This packet brings commissions for compleating the filling of vacancies. I hope they shall give generall satisfaction.—I am, in all dutie, my lord, your lordships most faithfull and most humble servant,

W. CARSTARES.

241. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE—The Earl's pension, and the progress of Scottish political affairs at Court. 9th February 1699.

MY DEAR LORD,—Maters are caried on so closly heer that we kno nothing until we have it back from Scotlant; but by surmyssis we have nou heerd of all the benifit

tickets that wear send leatly, and that amongs the rest your lordship heath got one of four hundred pounds, the pention, as it is said, my Lord Carmichal had. We lyckways understand that some demurs and have not acceptet as yit, and that some of our great ons are il pleased at thoos promotions. If I had knoen things in tyme, and for certain your lordship should certainly have had it from me; but that I did not.

The secritaire is always debeatng whit me that our clearings preecepts are not stopt, and that theer was nothing in the letter that could be explaind that way. I see the letter befoor it was send and told him then that I doubtet not but it would be understood so. Hoeever, I shal say no moore, being I kan, if it must be so, wantet as wel as some others. We understand heer that theer is a desyngne that the forcis in Scotlant should for the future be quarteret by the counsil. This, altho it is a novelti, and that it diminissis somwhat the autority of him that comands, yit it wil give a great deal of ease to the comander, take of clamour that menny tymes is made opon that head, but wil be no smale trobel to the counsil, so this amongs others pas.

I ame told theer is a commission comt to Scotlant to send op a doubel of that act that past in the Marquis of Tweedals parlament about the Glencoo bussinis. And because some werit it was leveled at me, I spocke to the secritaire, who told me it was done to see hoe far my Lord Staire was theer concernet, in order to bring him to the parlament again. If your lordship heers anny thing of it, I hope you wil let me kno what is said theer.

I see a letter from Scotlant witchs had thees following words int,—that . . . naming two commissioners of thesaurie, complain that some of the extraordinaire lords of session are so taken op to serve theer frends theer that they have no tyme to attend the tresaurie, by witchs means the kings affaires are in great disorder, and when they are theer they are emediately gone again to a hors match or ball. This I would have your lordship ceep to yourself and make your one use of, and so I remain as formerly. Adieu.

London, Februar 9, 1699.

It is said letters are somtymis opened, witchs occasions some reserve. Your lordship would merck this zeal witchs I always shal make use of.

242. PATRICK, FIRST EARL OF MARCHMONT, Chancellor of Scotland, to WILLIAM, EARL OF ANNANDALE—As to the despatch of business, etc.

Polwarth House, Thursday, 13th Aprile 1699.

MY LORD,—I had not time to wryte to your lordship the last time I wrote to the Duke of Queensberrie what I desired him to comunicat to you.

Yesterday I wrote a line to him and sent a letter of the kings to the thesaurie. Colonel M'Cartney came here about four aclock in the evening, post, and wold make no stay, but went on to Haddington, resloveing to be in town earlie this morning. Seeing the duke, your lordship, and the thesaurer depute are in town, I expect and desire that you will get what meetings are necessarie for expeding affairs both of the council and thesaurie. It is fit all convenient hast be made that their be no additionall charge to the king by the allowance appoynted for the disbanded, but that, if possible, the reforme be furthwith made that soe the time which interveens betwixt the date of the disbanding and the entring upon pay of the regiments which are to come from Holland may make up the expence of the allowance. Your lordship will see from the Duke of Queensberrie the letters I had from both secretaries which I sent by Collonel M'Cartney.

My health is much better since I came hither, and theirfor I am desireous to enjoy this air a while without interruption. I pray you let me hear from you. What you send to Commissarie Hume will come quicklie to my hands.—I am, my lord, your lordships humble servant and very affectionat kinsman,

MARCHMONT, CANCELLAR.

243. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—The retirement of the Earl of Portland, etc.

London, Mey 11, 1699.

MY DEAR LORD,—I got your lordships last deatet 21 Apryl, and gave ane ansuer to it. The king is at present at Winsor, wher the Earle of Portlant heath been sins his retreat from court at the lodge His lordship heath therer as ceoper of Winsor Forest. He heath been two or three days heer at his lodgins at Whythale whyle the king was at Windsor, for what bussinis I kno not, is nou returnet to Windsor. It seems that earle heath a mynde to retyre himself for good and all, for opon Saterdays night he delyvered op the key he woore as groom of the stool, and, as I ame told heath quit the most of the rest of his plassis. It looks and is thought therer is some misterie in this, for it apears od that so long in favour and done so great services should so of a suddain retyer; but court maters are misterius, so I shal not meddel with judging of them; only I ame sorri the king should loos good and faithful servents, for he heath, to my opinion but fiu of them. I kno not what our steatsmen intend to doe, for thee are great securitaris. We are told that the Africcan affaire is not to suffer by president or advocat. The Spanisch ambassador, as it is said, by instigation of the Frens and the Emperors, heath given in a memorial against it to witchs the two abof mentioned have made ane ansuer, is not to be seen until the king returne from Windsor, witchs wil be

tomorrou or Saterday. It is said the Ducke of Serosberri goos for Irland, and the Ducke of Ormond, chamberlain. Some other alterations are talket of witchs you shal have by the nixt. In the mean whyle remain, yours. Adieu.

244. THE REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE—
That he is going abroad with the king.

London, May 27, 1699.

MY LORD,—I have not presumed to give your lordship the trouble of unnessesarie letters when nothing of moment occurred, but what your lordship had a better account of from others then I could give. But being to goe abroad with the king, who intends to sett out next Fryday, I could not omitt paying my dutie to your lordship ere I leave this place. I shall doe my selfe the honour when abroad of writeing to your lordship when anything worthie your lordships noticeing shall occur, and if your lordship shall at any time have any commands, pray honour with them, my lord, your lordships most faithfull and most humble servant,

W. CARSTARES.

I shall presume for afterwards to write to your lordship without useing the ceremonie of formall letters.

245. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE—Of the king's intended departure. 1st June 1699.

I HAVE litel nieus to give my dear lord, only that the kings journi holds for tomorrow. Some alterations we kno of among the steatsmen heer, but it is usual the great alterations doe appear at parting. Ther was a meeting yesterdays in the counsil chamber at Whythale betwixt the Englis and Scots about our African bussinis. What the result is or can be I doe not kno. The two secritaris and the rest of our great men go of for Scotlant the same day the king goos or the day after. I intend after a winter campagne at court to go and play myself a litel in summer. So I shal not have the good fortune of seeing your lordship yit in a moneth or six weeeks. My Lord Portlant doeth not frequent the court in publick, coms somtymes ons a weck to his lodgins at Whythale and goos to the king in pryvat. Our secritaris adreessis to his lordship as yit in Scots bussinis. Some say that wil not les long eather. Fiu loocks clear in that bussinis, so we gues but at it, for the event we doe not kno. I wisch all may be wel, and that your lordships concernes may prosper is the wisch of him who is unalterably yours. Adieu.

London, 1 June 1699.

For the ryght honorable the Earle of Annandale, Edinburgh.

246. [JAMES JOHNSTONE, sometime Secretary of State for Scotland, to WILLIAM,
EARL OF ANNANDALE]—As to evil reports of the latter made by his enemies,
etc.

5 June [16]99.

MY LORD,—I had yours in answer to mine by Ramsay, who, it seems, made noe haste to deliver it, nor have I heard from him as he promised. As to my Lord Portland, what may happen is uncertain so as to be positive about it, but in all probability he will be quickly out of bussiness as well as out of places. He says himself that he is only to finish what was in his hands, and upon this foot the affairs of Scotland and France were in his hands till the king went. Still he says he will not refuse to serve the king upon occasion, and he has reason. The king owes him £30,000 for his embassy to France. But that a man shall throw up his places and yet resolve to continue in bussiness is nonsense, nor does any man of sense here believe it. Its more likely that he come into places again, but even that cannot be without exposing both the king and himself. You know not how farre that matter is gone, and so I doe not thinck it strange to hear that you in Scotland ar imposed on by the accounts given you. You mistake if you thinck that I wrot to you at Duke Hamiltons desire. I am not forward to accept such commissions. I only told you what I heard that you might vindicate yourself or not as you thinck fit. Its true I am of opinion that mistakes betwixt you may be of noe great use to either of you, and of lesse use to you then to him ; but I am farre from meaning by this any dependence. I am every way a much lesse man than you myself, and yet I doe not thinck he expects any great dependence from me. I doe not at all doubt of your friendship in my sisters payments and any concern of mine, and I hope you shall never find me negligent in your concerns when I can serve you in them. At present I know not hou I can serve you better than in putting you on your guard by whom you send your complements to court, and that you word them so as not to leave roome to the bad senses that are put on him. I am still of the same mind that whatever place you get you shall not be the gaining man so long as Portland or some others have power to hinder it, make what compliments you please. I shall be glad to be mistaken, and when that is, own my fault. But to the point. Its positively affirmed that provided you may be,—etc., you have offered your service in every thing, and this is understood—the undoing the African Company, and I need not name other things. Now allow me to tell you all that I granted (in defending you) might be possible in this way, that its like you had sent your complements to court in large and hearty terms (which is your way either in speaking or writing), and that either the bearer of them did not deal honestly by you or some he had talkt to of the matter. This is all I can tell you, and I hope will have this effect. Supposing that you have given noe handle to such a report at all,

as I hope you have not even so much as an innocent one, since so bad an use is made of it, I say I hope it will have this effect, that you will watch over your actions with relation to that company with more circumspection than otherwise was necessary. For whatever become of the company, any Scotchman that shall have an hand in undoing it will be detested by all mankind, and therfore it will be a great misfortune for any Scotchman to be suspected of it, however innocent he may be. I know your zeal for the company and showed your letter (which came seasonably) for a proof of it. I know you are not capable either of the villany or folly of acting against it. But by this you may see what enemies you have. I wish you may find out who they are. You may be sure they will not discover themselves to me. Glenagies, the bearer, has behaved himself here with a great dale of prudence and yet with all necessary boldnesse. He has left noe stone unturned, and tho he shows great temper he has all the fire and zeal that is requisite to be both indefatigable and incorruptible. I heard nothing of what I writ from him. I tell you honestly, however, I imagine he must have heard it, which you may take your own way to know from him. He has an inclination to live in friendship with you and desired me to writ with him, which shows you that he does you justice in not believing it. I thinck a mutuall confidence betwixt you and him may be of good use to the company, and for other purposes too that I need not mention. I need say nothing of the company. He knows all I know and will be free with you. Farewell, after the old form.

247. [THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT,] to WILLIAM, EARL OF ANNAN-DALE.—That he has been ordered to follow the king to Holland. 8th June 1699.

MY DEAR LORD,—Our two secritaris, president and advocat have taken journi for Scotlant, my Lord Carmichael opon Fryday night and the rest opon Munday morning. I supposse thee wil come in coors to toune. We kno not what heath been resolvet as to the Africain bussinis, and that as most of other thoos steatsmens afaires are made secrects. I thought to have waitet opon your lordship at Edenburgh about this tyme, but onexpectetly the king ordered me the nigt befoor he went to follow him to Hollant. I expect it wil be at least two moneths befoor I can be in Scotlant, wher I hope to wait opon and fynde your lordship in good helth. If I ame capable to serve your lordship in anything in Hollant, be pleased to comand, my lord, your verri cincere and humble servent. Adieu.

London, June 8, 1699.

My Lord Portlant is heer as yit, but intends in a fiu days for Hollant. Mr. Castaires and Mr. Pringal are theer alreddi.

For the right honorable the Earle of Annandeal, Edenburgh.

248. [The REV. WILLIAM CARSTARES], to WILLIAM, EARL OF ANNANDALE—The Earl's request for additional rooms in Holyrood House.

Loo, July 3, 1699.

MY LORD,—I acknowledge the honour of your lordships obligeing letter, and if I shall find that it will be for your lordships service to mention what you write about those additionall rooms to the lodgeing that your lordship hath at present, I shall not faill to doe it. But the king haveing been pleased to refuse to Earl Selkirk some part of the lodgeings which your lordship is now possessed of, which he was desireous, it seems, to have, I dare not say that it will be convenient immediatlie to propose what your lordship desires, though I think your lordships reasons for it are just. I hope a delay will not be prejudicall, seing those rooms alone wil be of little use to any else besides your lordship, and therefor will not probablie be disposed of; and there may be a fitter opportunitie afterwards for demanding them. I hope this sincere freedom will not be unacceptable to your lordship. We have no news here, only three Irishmen were last week taken up here upon suspicion. One of them had been a collonell of dragoons in France. They are all sent prisoners to Arnhem. I shall be heartilie glad to hear that your lordships familie is encreased to your satisfaction.—I am, your lordships in all dutie.

To the right honorable the Earle of Annandale, at Edenburgh.

249. LETTER, without signature, to WILLIAM, EARL OF ANNANDALE—Of the condition of affairs in the English parliament.

Agust 15, 1699.

MY DEARE CHIEFF,—My son has so fully represented to me the fervent, firme and active friendshipp your lordship has in this juncture showed him, and by that means supported my familiy, which without that benefite cannot easiley subsist, that I hold myself indisponsiblly bownd to shew such part of the gratefull resentments I ow yow for it as I am abl, and give your lordship my full assurance I will never be wanting to give all the evidence of my thankfullnes for it that shall at any tyme fall within my power. And therfor am resolved to give yow such accompts as come to my knowldg, of the state of affaires here, of which it is plaine yow should not be ignorant. I must in the meanetyme acknowledg that the sum of affaires in many things, especiellly what relates to the king, is such as gives me who love him and his interests so weel as I doe, no small trowbl in my thowghts, that renders the writeing of them non of the most pleasant wndertakeings. Your lordship is not ignorant of the proceedings of the

last parliament, and that reflecting on these yow may easiely perceave what was aimed at, even the changing of servants, and in one word the takeing new measures in the administration of affaires. They who reflect wpon what hath beene don sinc, or rather wpon what hath not beene don, think there is nothing beene don that they aimed at or may tend to soften or qualifie them against next sessione. It is true Admiral Russell (I showld call him Earle Orfuird) is owt, but he turned himself owt. Mr. Pelham is turned owt of the treasurie. But he was not aimed at. Wpon the contrare, the howse likt him, and indeede he was in a sort the only man of the kings servants who had the credite with them to promote things in the howse for the cowrt, and did it often very dexterously. The Duke of Leeds was not aimed at, but was rather becomming a favorite of the howse. The cowrt is seneibl of this. For thowgh it was endeavored many wayes to make himself lay himself aside, yet he wold not; and now everybody denyes theire accessione to it. All the cowrt endeavored to make it pass as if he had turned himself owt; yet he has made the whole world know the contrare. The greatest men come hardly neare the cowrt. Duke Shrewisberry (who is perfectly recovered), Earl Rochester, and the like, absolutely decline comeing into bussiness. The common peopl ar madd at his custome of going over thus every yeare. The whole sinewes and administratione of the government seeme to be slackened. The disbanded seamen and soldjers become tumultuous and insolent, the whole manners of all peopl corrupted, the whole rodes infested miserably with robberies, and the citie full of dayly murthers. The chancclar is indeede a greate stay to the government by the diligence and practice he observes in his charge and by his moderat and sober advices. The members ar much provokt by this that the king shewed himself much enclined to dissolv this parliament, and the cuttd speech he made them at parting sticks divilishly in theire stomachs. The chancclar prevented that it was not then dissolved, representing (which is in every mans mouth) that the next wold be worse. It is hard to say, after all, but he may yet dissolv them. It is not thowght he will be here befor November, nor is it thowght that the parliament will (if at all) meeete a greate while after that. Mens pulses must be felt, and accordingly measures taken. It is litl dowbted but they will take wp again the bill of resumptioun, and recall all his grants of forefeited estates, in ordor to which commissioners have beene dispatcht to Irland, and ar now makeing vigorows enqwirie into the value of them. Nay, it is feared (which God Allmighty prevent) that the rife jealousies they have contracted of his partiall dispositione to the interests of Holland and Dutch cowncells, will prompt them to a vote that the crowne of England and the statholdershipp of Holland ar incomptibl in one person. Nay, owr litl bussiness of Darien is like to come into the scales. Nobody sees any prejudice to England by it except the Spanish merchants, who feare an embargoe wpon theire goods and shippes by Spaine. It is litl dowbted

that what Sir P[aul] Rycote did at Hamburgh proceeded from Dutch contrivance. Nay, it is now beleaved to be influenced by French counsellors. The Spanish embassadore never had an ordor from that court to give in that memoriall he did give in. This jealousie may work much to the advantage of that affaire next parliament here, if those concerned ply it right. To conclude, certaine it is, all circumstances being considered, there never was so hott a winter in tyme of peace as this is like to be here. Greate alterations must certainly ensue, to what side God only knowes ; and how farr they may extend to owr affaires I shall not presume to guess. The favorites and men in trust here will keepe the gripp als long as they can ; like men in a storme, perhaps runn to any shore. If any other thing occurr yow shall certainly know it, though I will not presume to give yow any advice what provisione is to be made against so imminent a tempest.

And now, my deare lord, I have been very full and free with yow, becausse I judg it may be of use to yow, and I intend it to yow alone. There is nobody now in Scotland I intend should share in it, and therefor, and also for my sake, yow ar strickly to keepe it to yowr self. For however I intend weel in it, I know not how enimies may wrest and misconstrukt it, as they doe some tymes the best men and things. Withowt ceremonie, Fareweell.

250. JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE,
thanking him for his services, and assuring him of returns.

Bath, September 30th, [1699].

MY DEAR LORD,—I receved yours of the 16th, which was the welcomer that yow shuned ceremonie and complement, but at the same time gave me verry good proofes of your kindnesse and concerne for my interest, particularly in the affaire about Sir James Oswald and Andrew Morton. I should be glade to know the behaviour of others in it, that I might the better endeavour to make sutable returns. In the mean time I cannot delay makeing the mos. sincere and kinde acknowledgements to your lordship that I am capable off. I am resolved to goe from hence to London about the midle of next moneth, partly at the earnest request of my friends there, but mostly because I had a letter from one that yow may guesse, who is over with the king, telling me that his majesty expected my attendance in my post of the bedchamber this winter. I have noe bussinesse of my oun there, but if your lordship be pleased to imploy me in any concerns of yours, or that any occasion shall accidentally happen wherin I may be of use to yow, be assured that I shall not let an opportunety slip. As for the bigg words and braggs of some people, I doe not much apprehend them. My endeavours for the service of my king, my countrey, and my friends, I am sure, shall be noe ways short of theirs,

but in noice and bussell. Pray doe me the favour to give my humble service to my Lady Annandale and the young married couple, and tell my Lady Annandale that I am sorry I was not present at the danceeing ; for noe body wold have been a greater sharer of the joy of that occasion than my selfe, because I foresee from many good qualetys of the young gentleman a prospect of happinesse to both of them and of great contentment to yow and your famelly, to which I am resolved to be a true friend and servant, being sincerely, my dear lord, your oun

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251. JOHN, LORD CARMICHAEL, Secretary of State, to WILLIAM, EARL OF ANNANDALE, intimating the safe arrival of the king. 17th October 1699.

MY LORD,—This is to give your lordship the good news of the kings saife aryvell. He landed at tuelve a clok and lyes at Canterberrie this night. I having nothing to trowble your lordship with at present, I am, in all sinceritie, my lord, yowr lordships most faithfull and most humble servant,

CARMICHELL.

London, October 17, 1699.

252. PATRICK, FIRST EARL OF MARCHMONT, to WILLIAM, EARL OF ANNANDALE—
The address from the African Company to the king.

Polwarth-house, Munday the 23d of October 1699.

MY LORD,—I have had accounts how matters have been treated in the council of the African Company, and of their resolves so far as they have come to any conclusions. I am very well satisfied of the pairt you have acted. I doe confess it is a nice business, and you know wee have reason to be very warrie of giveing umbrage to those concerned in that business whom wee know to be well affected to the king and the government, and from whom wee may hope for some good assistance in the most important pairts of the kings service, espe ciallie seeing there are certainlie some among those of that council who have designes quite cross to ours as to the countries entrest and the kings service. Bot I perceive that some motions there have been such as your lordship could not say or doe less nor you have. And if I had expected what you met with and had been giveing you my opinion, I could not have advised you other than what you have done. I cannot see you nor hear from you befor I give some account to court wherein I will fullie doe you right. Yet I should be satisfied to hear from you fullie as soon as is possible that in my seconding what I wryte by the morrows post I may make up if any thing have been wanting. For I resolve to wryte by Thursdays post again and by Saturdayes post. I will not delay till my incomeing, tho I intend to be in town upon

Munday. I am glad to know that your friends and familie are well again, and I am with all my heart, my lord, your lordships faithfull servant and affectionat kinsman,

MARCHMONT.

On Thursday last my Lord Argyle was here on his journey to London.

MY LORD,—I heare of an adress from the company to the king on severall heads, one to call the parliament, and of another to the privy counsell to joine in the former. I wish to prevent or disapoint the last if we cannot stop the former, as it is dangerous in generall, and may be prejudiciale to the company. Therfor, if my staying out can by your help delay the privy councils meeting and the apearing of that adress, I will not come in so soon as I thought of. I desire to heare you. Yours.

253. [THE REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE]—The dissatisfaction in Scotland about the Darien Scheme.

London, October 24, 1699.

MY LORD,—I doe only presume by this to pay my dutie to your lordship and humblie to acknowledge the honour of your lordships last obligeing letter. I shall be very glad to have an opportunitie to serve your lordship and to testifie the sense I have of your lordships favour to myselfe and my friends, particulerlie James Dunlop, whom I presume to recommend still to your lordships kindnesse. I am very sensible how uneasie your lordship is in your lodeings, and I find my Lord Seafield resolved to doe your lordship all the service he can in that matter, and your lordship may be assured of anything that shall be in my poor power as to this affair. I doe not doubt but this businesse of Darien occasions much discourse where your lordship is, but I hope things are not at such a passe as that his majesties servants shall be affraid to check seditious discourses and actings against his majestie and his government. I confesse your lordship and others have a difficult task at present, but I hope neither your lordship nor they shall be losers by vigour in your dutie to the king. I find your lordships friends here very well satisfied with your lordships conduct in his majesties service. Pardon, my lord, these confused lines, and believe me to be your lordships, in all dutie, to honour and serve you.

254. JAMES, VISCOUNT OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE—
To prevent the proposed address to the king.

Whitehal, November 2d, 1699.

MY LORD,—I have had the opportunitie of leating his majestie fullie know hou faithfule your lordship has served him in the councel of the companie. He is verie weel

satisfyed with it. My Lord Duke Queensberry, my Lord Carmichael, and I have this day both presented to his majestie the adress of the council of Calidonia and the petition of the councel-general. His majestie did express himselfe verie fullie and plainlie, and he knows hou this hes been caried on. Houever, he hes givne a verie smoth answer to this purpose, that he regrats the loss the nation and the compaine hes sustained, that he will protect and incurrage the tread of the nation, and will take cair that his subjects of the kingdom of Scotland shal have the same freedom of commerce with his English plantations the ever had formerlie. He tels he hes adjorned his parliament til March nixt and the he will take cair the parliament shal meet when he judges the good of the nation requers it. This is the substance of it. Nou I hope in the privie council ther will be litel difficultie since the king hes alreadie givne his answer and the parliament is alreadie adjorned. The king therfor expects no adress from his privie council att present. This is with al freedom to your lordship, and I doubt not you will be using your endeavours to alay the præsent ferment. It is hard to lay al on thos proclamations when ther are so many causes to be givne for what hes hapned ; bot of this I wrot formerlie. The king desyrs vigor may be shouen against thos speak openlie against the goverment and done publict acts of disloyaltie. This different from what is said concerning Darien. I have not time to wreat fulie, being desirous to have this packet att Edinburgh befor the meeting of the council on the 7. I am, my lord, your lordships most faithful and humble servant,

SEAFIELD.

Earl Annandale.

255. [JAMES, SECOND DUKE OF QUEENSBERRY,] to WILLIAM, EARL OF ANNANDALE
 —The king's reception of the address presented by the African Company.
 2d November 1699.

If I had time, my dear lord, I could make a great many excuses to yow for not writeing since I came to this place, but one short one is that I delayed doeing it till I knew the kings pleasure about our companys address, which was this day presented to him by the secretarys, wher I was ordered by his majesty to be present. I can assure yow that he is verry well satisfyed with your behaviour upon this occasion, and tho he considered the addresse too hard upon him, yet he has given as good an answer as could be expected ; and if this be receved with submission and gratefull returns I beleeve he will doe much more then he has promised. He is verry sensible that some have desseins of makeing this nationall misfortune a handle either to thrust themselves into his government or engadge a great part of the kingdome into king James's service. If the company will suffer themselves to be made tools off, they will certanely ruine

themselves and loss the advantage that wee have good ground to expect from the king by a prudent and dutifull carriadge towards him. You'l think it verry strange noe doubt when yow hear that our cousin has valued himselfe at court highly for haveing protected the government from the handes of the rabble by his presence at Edinburgh, and at the same time offered his service here, when (as wee are told) he was doeing it to the company in so remote a place as Caledonia. However, the king is not well pleased to hear that some other people ther have upon this occasion spoke verry cavalierly of him and his government. He expects that the privie councell will endeavour to prevent such insolencys in time to come and punish some of them that are knownen to have used indiscreet expressions. I hope to give your lordship a good account about your lodeings befor this moneth ends, and now I shall only add one word as to my oun particular in which yow wer so kind formerly, and I doubt not but will be so still, and take care that noe more precepts be drawn upon Sir Thomas Kennedy, and what is left in his hand be ordered to be payed to Sir James Oswald towards the satisfyeing of my bond. Pray, my good lord, take care of it and fix it, and beleeve that I am for ever yours, etc.

Let me hear frequently and fully from yow. Adiew.

London, November the 2d.

256. [REV. WILLIAM CARSTARES, to WILLIAM, EARL OF ANNANDALE]—Commending the latter's zeal for the king's interest and service.

London, 16 November 1699.

MY LORD,—The civilitie with which you are pleased to treat me putteth me to the blush. All I shall presume to say is that I have a gratefull sense of the honour you doe me, and your lordship may be assured I shall act an honest part in what I professe. I am very sensible, as your lordship is pleased to insinuat, that the part that some men with you have acted upon this occasion is unaccountable, and I doubt not but, as your lordship observes, the kings servants by their zeal and vigour will carrie his businesse against all opposition, and I must say that your lordship hath shown both in this junctur, and your friends here have not been wanting in doing your lordship justice with the king, who is sensible of your service upon this occasion. I hope you shall not need to be long anxious about your lodeing. I allways thought your demand very reasonable, and I doubt not but it will be quicklie granted. Both secretaries are your lordships friends, and so is Duke Queensberrie. Pardon, my lord, this trouble. I am in all dutie, your lordships.

257. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE],
as to the latter's application for lodgings at Holyrood. 20th November [1699].

MY DEAR LORD,—I have been a litle ill of a cold these several dayes, which keep't me from writeing to yow by the last two posts; and now I have litle or noething to say, for till the king know more particularly how his answer to the adress is taken by the Company, and what dispositione people are like to be in, I believe he will come to noe resolution in our affaires. Wee here are verry much keep't in the dark as to many things that is said to pass among yow there, for noe body writes so particularly and frankly in these matters as is necessarie. Yow have certanely befor now receved the warrant for your lodgeings. I noe sooner spoke to the king last week about them then he promised to order them the first time that he spoke with the secretary, and was as good as is word. My Lord Seafield shew me the letter befor he carried it to be signed, but it was in somewhat more general termes then I wold have had it. However, I hope that as it is it will doe the bussinesse. I expect to hear frequently and freely from yow, and be assured that what yow say to me either of persons or things shall never be made use off but as yow please, for I will allwise be as tender of what concerns yow as myselfe, and ever continue to be most sincerely yours, &c. So, my dear lord, adieu.

November the 20th.

258. [THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE]—The disbanding of the Scottish regiments. 4th December 1699.

MY DEAR LORD,—I kan as yit give you litel account hoe bussinis is lycke to go. You have heerd befoor nou the general calamity of our Scots forcis. All goos to pot; none exceptet. Theer was no garding against this, for the king was possitively resolved to prefer the regiments in Flanders. 6 Scots regiments stays in Hollant, four moor of foot besydes the guards and Rou coms to Scotlant. Sir David Coilyar, Lorens, Buchan, Meatlen, the last goos to Enderlochy, and himself governor theer. I ame glad the two regiments of foot disbanded so peacably. I hope some way may be found for my Lord Lindsay to make him substist. I shal always be reddi to assist in that as far as possibly I kan. The Lord make our great ons good ons, for thee are worcking mishif as fast the kan, and the great man at theer head. When ever anny thing of moment occures you wil have it from your unalterable humble servent. Adieu.

London, December 4, 1699.

259. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]

—That the king is well satisfied with the Earl's service; Lord Basil Hamilton's coming to court, etc.

December 12th, [1699].

MY DEAR LORD,—The newes wee had by the flyeing packett was not so surprisinge as the method these gentlemen take in manadgeing their affaires, in which I thinke they are very obligeing too us. The secretarys and I wer yesterday with the king, and inform'd him fully how matters went, and I must tell yow, but to your selfe, that I never in my wholl life saw him in so great a passion. He thinkes that the chancellor was not verry prudent in returning with Duke H[amilton] to hear the addresse redd, and thinkes also that if his privie councell wold have by some way or other exprest their resentement of it, I mean the addresse, it might have scared some good, well-meaning people from subscribing of it. The secretarys can bear me wittnesse that I did your lordship justice with the king by representing to him in the best way that I could your zeall and forwardnesse in all the parts of his majestys service, but more particularly upon this occasion. I also read to him what yow wrigg to me by the flyeing packett, and I must doe his majesty the justice to tell yow that his sentiments are verry much conforme to yours, and he exprest himselfe mighty well satisfyed both with your carriage in his service and with what yow wrigg to me. I told him that since I had this from his oun mouth that I wold take upon me to acquaint yow with it, for I knew it wold give yow a great dale of satisfaction and incouradgement. Ther is now a letter sent from the king to the councell by which he orders that what can be done by law may be done in resentiment of this affaire and for hindering the procedure of it. Pray doe all yow can to keep people from dissuwading Lord Basill Hamilton from comeing up, for I beleive he will not have great reason to brag of his journey, and am sure he will not be admitt to see the king, but let me beg of yow to speak of this to noe person ; and to conclude, this bussinesse is a thing of an extraordenary nature, and however the law may be defective, yet I am sure that the government and kings servants aught to be verry jealouse of such practices, and be verry firme for obviating them. I have taken phisick to day, so shall only add that I am ever yours, &c. Adiew. Let not the chancellor know that I have written now to yow, because l desired the secretarys to make my excuse to him. God knowes whats become of Argyll, for noe body here has heard from him since he left Scotland.

260. [JAMES, VISCOUNT OF SEAFIELD], to WILLIAM, EARL OF ANNANDALE—
Of the king's dissatisfaction with the petitions.

Whitchal, December 12, 1699.

MY LORD,—We have nou both your letter to the Duke of Queensberry and that to my selfe, wherein your lordship givs us very full accompts. The king is weal satisfyed with al you have done in his service, and appears most dissatisfyed with thos factius methods are used, and after he had heard ws fullie inform him, he ordered that his displeasur with thos proceedings might be signyfied by a letter to the privie council, and when your lordship sees it you will be satisfyed. The Duke of Queensberry and wee went together to the king, and wee acted unanimuslie, for his majesties service does requer both vigor and unanimitie. He was dissatisfyed to be addresed again, having givne his anser so laitle, and that it was principalie caried on by such who had givne no proofs of ther loyaltie to him, and by some who are dissatisfyed with everie thing bot opposition. He was also much displeased withe the treatment his chancelour mett with, and with the insolent maner of the whol proceeding. Wee have gone al the lenth wee could consistent with lau; what remains must be dou with you. His majesties dissatisfaction should be made knownen, and al privat methods takne to praevent honest men from being misledd. It would be of good consequence if some who are returned could be brought to owne and acknowledg the true causes of the desertion, and I hear some are readdie to doe it, bot your lordship and others on the place can best judge what is to be done in this. Doe me the favour to continuall to wreath, and believe me to be, your lordships most faithful servant.

The Earl of Argyl is not yet come.

Lord Annandale.

261. LETTER, without Signature, to WILLIAM, EARL OF ANNANDALE—Of the progress
of business in the English Houses of Parliament.

December 14, [16]99.

MY DEARE LORD,—Thowgh I did not write t'other post directly to yow, bot haveing occasione to write to the precedent, I desired him to impart to your lordship what I then wrott for your and his divertisement. The howse of commons seeme to proceede shly and slowly towards the greate affaires now befor them, for they let fly at every thing comes in theire way, whither it be in rule or owt of rule, which I doe the rather tell yow, for that a friend of yours and mine, the Bishop of Sarum, by this means has been concerned. The howse had befor them wpon Tuesday the matter of a debt due

to Prince George. In their speaking of this, a member, Sir John Packintone, saied that he was for paying that debt, but he coulde not understand why the education of his son, Duke Gloster, shoule be committed to a man whose book that howse had fownd reasone to cawse burne by the hand of the common hangman, nameing the bishop and adding some scurrilowse as weell as unjust reflections against him. The speaker took him wp and told him that what he had said was quite owt of rule and order. Sir Edward Seymore answered that it was so, but that he hopt and proposed that the howse might putt it into order. And accordingly yesterday it was moved and the questione at last put if there shoule not be an address made to the king, that he might be removed from that charge. But it was carried in the negative by 40 votes. There is a mightie storme raised against the Duke of Shrewisberrie, but it is befor the howse of lords. It is one Smith who accuses him that he did discover the plott for assassinating the king to him befor Pendergrast did it, and more particularly too, but that he did not regard it ; and not only so, but that also some three or four dayes befor it was to be execute, and that he told him so, he (the duke) went outt of towne and neglected it. What will become of it I know not, but it is probabl it will be stifled. Fareweell.

This is a long storie, and if I can have an opportunitie I will send yow the papers.

262. ARCHIBALD, TENTH EARL OF ARGYLL, to WILLIAM, EARL OF ANNANDALE.—
Satisfaction of the king with the latter's report and conduct.

London, December 28th, [1699].

MY LORD,—I came hither some ten days agoe. At first coming, being long upon the road, I was altogether a stranger to what was a doing, so did not give your lordship this trouble. Sinc I arryved I have been wittnesse to the justice his grace of Queensberrie has done yow with the king. Your letters I have seen and heard some of them read too his majestie, particularly that which gave ane account of the debate anent the proclamation and the issue of that affair. I darr say your vigorous service upon this occasion is applauded by us all that are your freinds, and, which is mutch more, is acceptable to the king. Yow have indeed, and most deservedly, made more your court upon this occasion then all his majesties servants, having so signalyzed your self. I wish all had gone into the same measure with yow. I must fancie some are bewitchit that they did not. But wher Sollicitour Hume prevails how can be better expected. Assure your self, my dear lord, I shall be verie ready to offer my myte for your service. I return yow manie thanks for your concern in what I recommended last to your lordship. Yow shall ever meett with a return when yow lay your commands. This is

only to begin our correspondence. Hereafter I shall not fail as occasion requyres. Lord Bazill is arryved, and the king has refused to see him.—I am, my dear lord, your lordships most affectionatte humble servant,

ARGYLL.

263. [JAMES, VISCOUNT OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE]—The proclamation on the Darien Company, and Lord Basil Hamilton at court.

Whitehal, December 28, 1699.

MY LORD,—I know wee are in that friendship together that you will not mistake me if I sometimes ommitt to wreath; bot I am most sensible of your lordships zeal in his majesties service, and that none servs him more activlie; and you have friends hier that informs the king of it on al occasions, and I assure you his majestie is verie weal pleaseid with your lordships management. It would have been of bad consequence if the proclamation had not been omitted, and I acknowledge it would have falue had it not been for your lordship. The devision hes takne aff a great dale of the influence [of] it. Houcever, I hope it may have some weight with honest men. Wee have writne plainlie to my lord chancelour and the präsident of the session, and I hope ther will be more unanimitie for the futur. I was surprized with the accompt your lordship in your last give my Lord Carmichael. I think it should be inquered after, and if it could be found out hou putt that Jacobit and also murdering placard it should be severlie punished, and incuragement should be givne to any will make the discoverie. The king does resent the sending up my Lord Bazil Hamilton with the adress of the companie, since he hes been hier and neave[r] ouned the kings goverment, and did neaver waited of his majestie. The king is nou at Hampton Court. I have some thoughts of going ther to-morow, tho' litel hes occurred since I was with him. I shal give your lordship no further trouble at præsent, bot that I am most sincerlie, your lordships most humble servant.

264. THE SAME to THE SAME—The measures to be taken regarding the Darien Company's address; the king and Lord Basil Hamilton.

Whitehall, January 2d, 1700.

MY LORD,—I received the honour of your lordships by the last post, and you have shonen that zeal and fidelity to his majestys service, thro the whole course of this unfortunate affair, that I doubt not but you will find that your interest with the king is firmly establisht. This address, it seems, cannot be stopt, and I think the great endeavour should be to hinder the parliament men for going into it; for if his majestys

servants and the greatest part of the members of parliament, the assembly, and the army keep themselves from engageing into this measure, ther is not so much reason to be afraid. And allow that multitudes do sign it, yet that amounts to no more then that they do incline that his majesty shall call the parliament as soon as is convenient for him. And it will certainly take some time befor these addresses return from the country. But at the same time I don't doubt but a great maney, especially the ring-leaders, have other designs at the bottom. I believe I acquainted your lordship befor that his majesty refused to admitt my Lord Bazil to have access to him because he had neglected to wait on his majesty when he was last here, and had not hitherto owned the government. My lord did earnestly intreat us to speak again to the king, and did apologize for what he had done. But his majesty did again order us to tell him that he would not see him at this time, but bid us likewise tell him that he was willing to receive an account of what the company desired, and if my lord would put it in writing and give it to us he would give an answer to it. My Lord Bazil answered that he was intrusted by the company to deliver their petition himself, and therfor would do nothing without their orders. This is all that has occurrd with us lately, but that his majesty dos express concern to have you all who are in his service unanimous, and I find him most willing both to protect and employ his servants, and therfor it is our duty to continue faithful and zealous to him. His majesty being yet at Hampton Court nothing else has occurrd, and upon all occasions you shall find me, my lord, your lordships most faithful and most humble servant,

SEAFIELD.

Lord Anandale.

MY LORD,—Mr. Mackell, when he applyed to me for the gift of that escheat which I sent down, did not in the least insinuat that ther was any person in the government that did compet with him. And since I now find that your lordship has a concern in the matter, I am very glad that Forglin did not deliver it.

265. THE SAME TO THE SAME—Adjournment of the parliament; Seafield's appointment as commissioner to the assembly; proposal for the union.

Whitehall, January 11th, 1700.

MY LORD,—I delayed writing to your lordship by the 2 last posts, because nothing of consequence did occur, and that we were resolveing to come to some conclusion concerning what we thought needful to be done at present. In the first place, his majesty has adjourned the parliament to the 14th of May, and gives this for a reason, that it may be convenient that he hold this session of parliament in person; and it must be

evident to every body that it is not possible for his majesty to come befor that time into Scotland. He has also, by a letter to the privie councill, givcn a very good answer to the companies petition, for tho he has refused my Lord Bazil access for the reasons your lordship has heard, yet it was not fit to deny an answer to the company, and your lordship will find by it that he has promised to demand that Pinkerton and his crew be released who are at present detaind prisners at Carthagena. He dos also promise that his subjects in Scotland shall be allowed the same liberty in trade to the English plantations as any others enjoy, which is of considerable consequence, for its impossible that we can complain when we have the same priviledges of trade that all the rest of the world has, and upon the matter it falls in with Lord Bazils instructions, which mentions that other places have larger freedom of trade with the English plantations, so I think these two points will give general satisfaction. Its true he dos not grant them the ships, but he puts that of till he have the advice of his parliament. He has also ordered his royal apartment to be fitted up, by a letter to the treasurer. Now, if your lordship and the rest of his majestys servants improve this to the best advantage, I think it puts an end to both the addresses. Its true the king dos not take notice of that which is calld the national one, because it is not presented to him, and ther will be no advantage by the presenting of it, since upon the matter he has declared what he can do as to the meeting of the parliament.

The chancellor will also communicate to your lordship a particular which will clear that several of the addressers have bad designes at the bottom.

I will now shortly be with your lordship at Edinburgh, for his majesty has commanded me to come down and be commissioner to this assembly, which truly I would have shund had it been in my power, but at meeting your lordship will know that it was impossible for me evite it.

His majesty is perfectly well satisfyed with your lordships zeal and fidelity to him, and I have faild on no occasion to do you all the justice was in my power, and it will be a satisfaction to me to give you an account by word of mouth all that has passt upon this subject.

Your lordship will no doubt hear from others that my Lord Peterborrough did last night propose in the house of lords that ther might be an union betwixt the two nations, and severals did second the proposal, particularly my lord privie seal, and they have put of the further consideration of it till Tuesday next. The king has a good while resolved to propose it to both houses, and was only considering a good opportunity for it, and it would have done much better had it come in so, but some of the lords do appear against it because of the pamphlets that are lately written, which, as they say, would make the world believe that they were threatned to this proposal. I do truly hope that if right methods be taken we may really have an union, and ther is

nothing, I am sure, would give more general content to both nations. I shall not trouble your lordship any further at present, but that I am, with all sincerity, my lord, your lordships most faithful and most humble servant,

SEAFIELD.

Earl Annandale.

To the right honourable the Earle of Annandale, att Edinburgh.

**266. JAMES, SECOND DUKE OF QUEENSEFERRY, to WILLIAM, EARL OF ANNANDALE—
The appointment of the commissioner to the assembly.**

January the 11th, [1700].

MY DEAR LORD,—I shold have answered your obligeing letter sooner, bat the kings haveing been so much out of toun, and the goodnesse of the weather inviting him still abroad, it is a hard thing to get ane opportuinet to speak at lenth to him. When I did I found that he was resolved in haveing one of his secretarys to goo doun as commissioner to the assembly. Carmichaell refused it, but he would not allow the other to doe it. When I found this, I did not mention your name, as yow had caution'd me, but I can assure yow that noe mans interest is better founded with his majesty then yours. This flyeing packett brings yow the adjournment of the parliament to some day in May, and ane answer upon the matter to Lord B[asil] Hamiltons addresse. The king is resolved to hold our parliament himselfe, and he will certanely doe it if some weighty affaires doe not occurr to prevent it. My Lord Seafield pairts in a day or two, and will acquaint yow freely with every thing that wee know here. Ther was yesterday a stepp made towards considering our affaires in the house of lords, but it is putt off till Tewsday. What may happen then I know not, but your lordship shall be inform'd. And now, in the last place, my dear lord, I must assure yow of the great sense I have of the conserne yow expresse for my helth, which is a great dale better then it was; yet what remains being about my head I am the lesse able upon that account to write so frequently nor so much as I incline to. I am ever years. Adiew.

**267. [ARCHIBALD, TENTH EARL OF ARGYLL, to WILLIAM, EARL OF ANNANDALE]—
Consideration by the English houses of parliament of the proposed union
between Scotland and England.**

London, Januarie 20th, [1700].

MY LORD,—Upon the notice your lordship was pleas'd to give his grace wee were resolv'd to send a flying packett, and did apply to the king for a new reprieve, who

seem'd ready to grant it ; but by a letter from Sir Gilbert Elliott to Lord Carmichall, it appear'd the others upon application (being convinc't they could not at long run overlook his majesties letter so plain) were resolv'd to continue the reprieve, and that Carmichall in a manner took it upon him after all our letters were wreitt to the purpose. We forbore to send a flying packett, but retain'd our letters, which were not to the purpose otherwyse. I had wreitt so manie and so full that I have not recovered it yet. Yow will have heard that Seafield is now a great part of his way to Scotland. This undertaking of his did not proceed ether from his graces advyce or opinion, nor indeed myne, for I flatly gave my advyee against it. I wish in that affair I may prove a false prophett, and I am afraid this procedour of both houses of parliament will still render matters harsher. The king did intend to move ane union by some of his manadgers, and signifyd so much to his cabinett council. This took wynd, and Earl Petterborough having notice of it was resolv'd to prevent the court, and is thought to ruin the sucesse of the project, though on other occasions he professes a regard to the Scots nation, did bring it in to the house by introducing the book wreitt, the title wherof carries a good aspect, but withall has many things in it to be condemn'd, and earring, as they say, a bragg to the Inglysh nation, and he reading those placees, concluded with ane overture of ane union which indeed has, I fear, dissapointed it. The lords adjourned the debate, but in the intervall the commons took it in task and ordorded it to be burnt, all which is contained in the votes. I love not to be the bearer of ill news or else I could tell yow what further the lords has proceeded as to Sir Pauls Riccauts memoriall, but sure I am the kings not to blame. My lord, I wonder to know what methode the addressers designes to take in sending ther addresse to the king, for who can grant a commission to anie one or more to delyver it, sinc not sign'd by them nor tacht to the addresse. I know by next post his grace designes to wreitt at lenth to yow. I shall remember Crawfords concern. My dear lord, adieu.

268. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]
—Seafield's appointment as commissioner to the general assembly ; and as to the king's coming to Scotland.

January the 27th, 1700.

MY DEAR LORD,—I received yours of the 20th by last post and am of your oppinion about a commissioner to the general assembly. But, whatever be in it, this I can say for Lord Seafield, that he did not accept of it willingly ; and for my selfe, that, be it right or wrong, it was resolved on (as I think I have formerly told yow) befor ever I heard so much as the report of it. Nay, further, I only saw his general instructions

to the assembly, so if ther be any private ones its more then I know off, only, I suppose he is ordered to try how people are disposed or how wee may probably expect men will incline to act in the ensuing parliament. Yow are verry much in the right that the kings comeing doun will draw our nation to a vast and irreparable expence, especially since he must then be also croud, but I'm glade to finde that yow are of oppinion that his businesse may be done without his oun presence. I wish yow could convince my Lord Seafield of it, for others seem quite of ane other minde. However, yow will be best able to adjust that among your selves upon the place, for, I suppose, if the king can be perswaded that he can get his bussinesse done otherwayes he will neither give himselfe the trouble nor us the expence. As to the chancellors preference, I knew noothing of the procureing of it, but I am perswaded that the king never intended by it to take away my Lord Crawfords, and I wonder why the chancellor should insist upon it since ther is enough for both. However, I wrot last post to my Lord Seafield about it, and desired that he might adjust the matter so as honest Crafurds interests may stand, as I am sure it was allwayes intended, and as he and his famelly deserves. If this cannot be done there, be pleased to let me know and I shall get his majestys answer about it, and shall in the same manner take care of whatever your lordship shall think fitt to recomend to me, being faithfully and intirely yours, etc.

269. [ARCHIBALD, TENTH EARL OF ARGYLL, TO WILLIAM, EARL OF ANNANDALE]—
Instructions to the commissioner ; death of Johnstone of Westerhall, etc.

London, February 3d, [1700].

MY LORD,—I receaved your lordships letter, dated the 25th of Januari, and I think yow have had a verie right view of what would be the issue of the Inglish parliaments proceedings, both by your letter to his grace, which I see, and in myne. Wee are in great expectation how matters will goe with Viscount Seafield. I doe assure you, my lord, nether his grace nor I doe know anie thing further of his instructions then yow doe, nor were we upon the advysing his going down, though I wish all may prosper in his hand ; and if he has anie secrett instructions, nether of us are privie to them. I understand sinc my lord went from hence that he carried down a commission for that of elemosinar blank to dispose of as he saw fitt, and if yow advyce it, both his grace and I shall wreit (upon the first intimation from yow) in favours of our freind, Mr. Veitch, whom all the world must allow me to be concern'd in. I have spock to his grace, told him of old Westerhalls death and what else your lordship bid me represent to him. He has bid me tell yow that a post before he had ane account of his death,

and that immediately upon it he causd his servant, Mr. Stewart, wreitt to William Avis, ordoring him to bid all who depended on his grace to follow your measures and bee directed by yow. And he does also aprove of your choice in the person of his son, the major, who I am persuaded is most propper. Your poscript about Duke Hammiltons saying the tuo graces is pleasant. I shall bee glad his grace grow in grace, that he beware of hipoeresie ; and though wee old presbiterians cannot run so fast to gett his leuth, we shall wish Treu Blew a good journey. Ther is no news this place does now asflood, but whats in the printed papers. My dear lord, adieu.

270. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]
—That the king had appointed him commissioner to the parliament of Scotland.

London, March 25th, [1700].

MY DEAR LORD,—I have had bussinesse which necessarily oblidged me to be out of town all this day, so I hope yow will excuse me if this be verry short. I receved yours and have the same thoughts of men yow have, but I shall forbear saying any thing of them till meeting. I have spoke with the king about leave for your lordship to come up. He expressed himself verry kindly of yow, and said he wold be verry glade to see yow, but that the time for the sitting of our parliament being so near, he thought it was not fitt for any person to come up at present. And now I must tell yow that upon Thursday last he was pleased to call for me, and told me that he doubted if his other affaires wold suffer him to goe to Scotland, and therfor he was resolved that I should be his commissioner. I was surprised with it, because, upon my honour, he had never drop't the least of it befor to me. Yow know I doe not incline to be in stations that makes one answerable, and I am verry sensible both of my own unsittnesse and the difficulties that at present atteuds this. So nothing could have prevailed with me to ingadge in it but his majestys posetive commands, and the hopes that are given me of being put in a condition both of serveing him and the countrey, and I must declare to yow that the assistance of your frendship and advice is noe small incouradgement to me to undertake it, and I must begg of yow now early to use your endeavours to qualefie people to a just sense of theire duty. I have time to say noe more, but that I am unalterably yours, etc.

Be assured that I shall be as mindfull of what is for your service at this time as you could be your selfe wer yow present. Adiew.

271. [JAMES, VISCOUNT OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE]—That the Duke of Queensberry is to be commissioner to the parliament ; the address by the African Company.

Whitehal, March 25, 1700.

MY LORD,—I have delayed wreating thes two last posts expecting to have been capable to give your lordship a full accompt of our affairs. Nothing is yet concluded bot that the Duke of Queensberrie is to be commissioner. The king is verie desirous to goe himselfe, bot I belive his affairs will not alou. In mean time my lord duke makes preparation that wee may be with you some time befor the meeting of the parlament. I know this nomination will be acceptable to your lordship, and that you will cordiallie assist. Ther was no doing of privat bussiness til this was over, and I shal not fail to represent what your lordship recommended att pairting. Ther is no time for your coming at present. The king will conclud almost al befor he goes to Neumerkat, and he goes the begining of the nixt week, and we are not to be hier above a week after he returns ; but my lord duke and I will doe for your lordship whats in our power, and al hier in his majesties service are faithfulie your lordships. Our addressers are to be admitted to kiss the kings hand and present ther petition this afternoon att four a clok. You shal have aue accompt of it by my nixt. The king is firm to maintain his servants, and I hope wee shal succeed. He will doe for the countrey what he can saiflie doe, and honest men ought to desire no more of him. I most wreat to several others, so can only add that I am faithfulie, your lordships most humble servant.

Lord Bazil had the confidence to desire to be admitted to concurr in presenting the petition, but the king would not permitt him. The reason this comes by aue express is that wee need to have a state of the fonds. Wee have a great many pretensions to lay befor the king, and ther is great reason to doe for some could fonds alou of it. Sir Thomas may doe this without troubling your lordships of the threasurie. If any of you see that it is right done it is enough.

272. [THE REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE]—The uncertainty of the king's visit to Scotland, and as to the earl's desire for a new title.

London, March 1700.

MY LORD,—I return my dutiefull acknowledgements for the honour of your lordships obligeing letter. I am sorrie to hear what your lordship writes about the chancellour. I am sure he will never find his account much that way. Your lordship will hear by this post that though the king hath not yet made known his finall resolution whether

he will goe to Scotland or not, yet he hath in the meantime named the Duke of Queensberrie to represent him in Parliament, and I hope he shall doe it to the advantage of his majesties service. I am sure his grace does heartilie desire he may be in a capacicie to doe so. My lord advocat wrote to me about a title that your lordship does incline to have. I see nothing unreasonable in your lordships demand, and your lordship may exspect any service that I am capable to doe in it. If your lordship think fitt to write to Earle Portland I shall deliver your letter. There is no inconvenience in doing it.—I am your lordships in all dutie to honour and serve you.

273. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]—
As to the title desired by the earl.

London, Aprile the 6th, [1700].

MY DEAR LORD,—I received yours by last post, and I cannot enough acknowledge the frequent expressions of your kindnesse to me. I wish I may deserve it. I am sure I shall allwayes make it my bussinesse to serve yow as yow may justly expect of me. I have not been wanting on all occasions when yow have commanded me to moove the king in what yow desired, and now also I have pressed him as much as I could in what my Lord Seafield told me yow inclin'd to at present, and I doe tell yow faithfully and sincerely that his majesty has all the good esteem and kindnesse for yow imaginable. But I will tell yow the truth how he considers this affaire. Ther are verry many pretending to additional titles of honour; to grant one now and neglect another he thinks wold disoblidge those who wer neglected. Besides, he thinks that it is more both for his honor and theirs that noe such thing be don at present, and therfor he hopes that his servantes will not take it unkindly if he putt off complying with theire desires till after the parliament, and then I have good ground to say that yow may expect to be kindly treated. Be not therfore any more concerned, and when I shall have the good fortune to meet with yow I will convince yow of the truth of what I say, and till then I hope yow will not be wanting to prepare things towards assisting me as much as yow can, for I doe assure yow that while I breath I shall continue inseperably yours, and so, my dear lord, adiew.

274. THE REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE—That the king appreciates his services during last winter.

London, April 13, 1700.

MY LORD,—Your lordship will know by the publick accounts all that I can write of occurrences here. Our addressers went from hence this day, and it is to be exspected

that all endeavours will be used to make our parliament uncasie, and they have had no good copie here, but it is hoped that honest men will have a greater regard to the kings honour and interest then ever. I doe not, my lord, forgett what past betwixt your lordship and me when I had the honour to see you last, and I am of the same mind still ; and I am sure that leading opposers of his majesties service have had no countenance from hence, nor are they like to have it but by changeing their methods ; and I hope that, though your lordship and others of the kings faithfull servants doe not at present gett those additionall marks of favour which are desired, that yet your lordship and they may exspect them to your satisfaction at last. Your lordships managment this last winter hath been very acceptable to the king and is for your lordships honour, and I hope shall be found to be for your interest too ; and I shall be very readie to give what proofs are in my poor power of my being faithfullie and in all dutie your lordships.

To the right honourable the Earle of Annandale, at Edinburgh.

275. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—Respecting the payment and maintenance of the army. 24th [May 1700].

MY DEAR LORD,—I have been with the Ducke of Hamiltone frequently sins that litel misfortune befel him, and I told that part of your letter relating to his grace, witchs he did take very kyndly. Weryting to him wil be noways trobelsome, for he is as wel as ever, only he doeth not come out of doors because of his arme ; but in a chort tyme wil be fully recovered.

My Lord Siefield told me the other day that the thesaurie of Scotlant had in a manner split open the bussinis of the army, about the precepts given paialble in Januar and Apryl ; that the justice klerck and Sir Jhone Maxwel oposed the paiing of it ; that the Ducke of Queensberry, Earle of Argyl, and your lordship [wer] for it, witchs certainly is very just ; for I thinck it is tyme anof not to pay when the fons feal ; and I ame sure to opose the forceis paiment is neather being a freend to the euntry or forceis. Hoeever, the secritaire choed me a letter from the justice clerck witchs his lordship aprooved migly of, and desyred me the nixt morning to meet him at Kinsington to speacke to the king about it. I was willing to be present when he should speake, so as I might heer what was said, but the king that day was not at lesure, and I have not seen the secritaire sins, who possibly heath got a nieu light and doeth not desyngne I should be present. The king, [it] is said, goos to Windsor opon Munday. Hoeever, talking with the secritaire, I fynde it wil come to this, that if theer kan not a painmaster be

found who wil advance about ten thousand pound, the army must be cept opon sub-sistance, for ought I kno, until a nieu parlament, witchs wil ruin them altogether. If this parlament ceeps to theer vote against all sutch as are no native born subjects, I fear it wil straiten Scotlant moore yit. No sort of nieus passis heer but what you have by the pubblick letters; only the Dueke of Serroosberrie heath delyvered op the zeals opon Munday last, as I ame told. This is all I kan say at present. If anny thing occures, your lordship shal have it from your most humble servent.

London, 24.

276. JAMES JOHNSTONE, sometime Secretary of State for Scotland, to WILLIAM, EARL OF ANNANDALE—To appoint a meeting to settle their differenes.
10th June 1700.

MY LORD,—I could nether wait in toun on Saturday till you came, nor can I goe to it to-day, because my wyfe is ill. Besids, were I in toun, I should only send a message to you or writ to you, as I doe nou, to know your mind. I am sure appearances betwixt you and me will not promote your interest with my Lord Portland or the party; at least you are the best judge of your own concerns. I am ready to wait on you as you thinek fit, publickly or privately, when or where you thinek fit, of which you may make advertise me by my Lord Diplin or my brother, or Robert Johnstoun. I am, with all respect, your lordships most faithfull humble servant,

J. JOHNSTOUN.

Twickenham, 10 June [1]700.

277. SIR WILLIAM ANSTRUTHER, LORD ANSTRUTHER, to WILLIAM, EARL OF ANNAN-DALE—The earl's mission to court; the Duke of Hamilton at Cockenzie, etc.
13th June 1700.

MY LORD,—When I came to AEdinburgh I was surprised to hear your lordship was gon to court. Your friends say yow are all to ask the same thing of the king with our addressers. I wish yow may succeed, for if yow do not, I am affraied the blame will lay much upon yow, even by your own party, to excuse themselvs. I assure your lordship no privat designs shall make me go into any measurs that I think are only out of humor, notwithstanding of all my Lord Seaffeelds malice against me; for if it were not he, I know I could have duble the pension I had, and I am persuaded your lordship would contribut your endeavours for it. There was a cause of yours called yesterday. I shall do what I can to delay it till your presence. Duke Hamilton went out of toun

yesterday. He and his dutches dined with the commissioner on Friday last, and were again invited to go out to Cokennie on Monday, where they had a great treat. After dinner the tuo dutcheses went to on room, and some company with them, where they played at cards. The tuo duks, with my Lord Carmichael, Treasurer-deput, Phillip and severall others, drunk very liberaly, and all very good friends, and came in at ten at night. The president should hav been there, but was not very well. I hope yow will pardon this truble I hav givin yow, since it is from one who is, my lord, your lordships most oblidged and most humble servant,

W. ANSTRUTHER.

Ædinburgh, Jun 13, 1700.

278. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]
—Requesting him to come to Edinburgh, and in reference to his desired title.

Holyroodhouse, June the 20th, at seven in
the evening, 1700.

MY DEAR LORD,—I receaved your letter by the flyeing packett. I only told yow the stories yow mention in it to let yow see that I did not value them, and beleeve me that noething to your prejudice shall ever have weight with me. I shall say noe more at this time, and I hope at all times complements and mutuall professions shall be needlesse betwixt us, tho I cannot forbear expressing my thankfull acknowledgements for the evidence yow have been pleased to give of your kindnesse and concerne for me at this tyme, of which I will ever retaine a just sense. I doe give your lordship a thousand thanks for the full and distinct account yow sent me of what has past. All I need say in answer to it is to referr yow to the advices now given the king by his servants here, which I have sent both to the king himselfe and my Lord Seafield, and if they doe not give satisfaction let them answer for it that gave them. It was all I could bring them too after looseing much time and labour. I have had several occasions to know my Lord Seafields good inclinations to his cuntrey, and particularly to that affaire of our colonie, and I doubt not but the unjust calumnies that he has been charged with will in due time evanish. As to my comeing up, I am altogether at the kings disposall, so shall either stay or goe as he shall think fitt. But if I stay it will be verry necessary that your lordship and my Lord Argyll hast immediatly doun, for its not possible that I can doe any thing alone. My taske is great and I get but verry faint assistance from those that are here. Let me, therfor, again recomend to yow to come speedely as yow regard the kings service. I have written to his majesty as your lordship desired me and with all the concerne I could. What successse it will

have I know not, for as I told yow here he has allwayes shewed a resolution against doeing anything till all bussinesse be over. But I am sure I have done my part as I shall allwayes doe in every thing that concerns yow, for I am with much truth and sincereity yours. So, my dear lord, without ceremonie, adiew.

279. WILLIAM JOHNSTONE, Edinburgh, to JOHN KILPATRICK, servant of William, Earl of Annandale—Of the riots in Edinburgh about Darien.

22nd June 1700.

DEAR JOHN,—Since my lord paerted from this I have scarce been thrice in Edinburgh. . . . The newes of our rable I knou yow have by the last with the particulars therof, viz., of the mobs ringing the bells, forcing pepell to put out illuminationes, searching for the provist, and, some sayes, beatting of him, threatning the advocat till he singed warrants for liberatione of prisoners, beatting honest Baillie Johnstone, and insulting the rest of the magistratts and officers of state by brakeing ther windowes and curseing king and them and all, deforceing of the toun guard, or, for any thing I knou, the guard turning in with them, breaking open the Tolbuith with fyreing the door, liberatting all prisoners (yea the Frazers themselves) except tuo or three for bouggary and thift, quhen at the same tyme they wounded Georg Drummond and robbed him of a ring from his finger, mony from his pocket, and his hat, periwig, cloack, and suord, and had not Mr. Mob been devydded among themselves whither he was ane honest man for Callidonia or not, he had probably been a victim for his prisoners, by whom he hes lost of chamber rent and sutlarry about tuo hundred lib. sterline, too great a soume for his numerous familly to loose. And altho I have scarce reasson to complain, yet the sparks to shou ther good will, and albeit I was out of toun, wer pleassed to salet my windowes, and altho told of my absence, yet proceeded, tolling it was for sakes sake who was no friend to the compauny. It is reported that at breaking of Mortouns windowes he was cursed with the king and commissioner, upon which Thomas Deanes alleadged, the kirk damned him still before by himself, but that the mob were more mercifull, giveing him good compauny. Heugh Broun was goeing home that night betuixt nyne and ten, and at the port which they had then commanded was ordered to stand, and enqueired what he was for, and if he wold drink a health to Caledonia; to whom Heugh, who had been labouring in the vyneyard, ansuered that he could not doe what they demanded, but added, Come, gentleman, I'le doe what none of yow will doe, that is, I'le spew a pint to the health, and in the meane tyme advanced his thumb to his mouth. Upon which he had a large hussa, and was led in triumph to the ports, which wer wyde openned and he dismissed. Mr. Mob was verry earnest to know of

my lords lodeings, and wer greived to feind they wer in the Abbay, and threathned as the report goes, abundance of mischeif, for which God confound them. The privy counsell hath ordered a battalione of Rowes regement to lodge in the toune, viz., at the Weighhouse, Toun Counsell, and Neatherbou, and hath ordered tuo or three other regements near the toune. This, however prejudicall to peace, yet beginns to open the eyes of severall members of parliament and to staggar others, quhen they heard King James health and the prince of Wailles so oft forced upon pepell. I am just nou informed that the Earl Marishall was within one vote in privy counsell of being sent to the castell for his alleadged being the beginner, as treuly he was. For he come to Stephen Cuthells and ther drunk healthes to Caledonia and all good intentiones, and throuing tuelf glasses over the windou (he ordered the servants to carry out wyne, as it is said), and afterwards called up all the drawers and giveing them a pynt of wyne, oblidged them to drink the saids healths. Thus Mr. Mob, once being gathered, they (according to the earles call or order over the windou) proceededd and prospered. Some pepell alleadges that ther was no desinge in all this ; but we may guesse at that when my Lord Drummond told at nyne of the cloack that night at Leith to my Lord Elcho, Master of Stairs, Captain Ogilvy, and others that by that tyme the prisoners wer relievied out of the Tolbuith ; and by this tyme perhaps you are as wearied with reading as I with wreiting the above sad account of the madnes of our own countrymen, quho it seems are prepared for a stroak of Gods justice, which I pray in mercy may be avertted. I desinged to have acquainted my lord with the wholl, but thinking that he might have it from better hands and have but small tyme to allou to the reading my letters, I desisted, but yet if ther be any thing here he hes not heard I pray let him knou it with my most humble deuty, and assur him that he hes not a treuer friend and servant in the wordle, both behind and befor, then is your reall friend and servant,

WM. JOHNSTOUNE.

Let me knou hou my lord is and quhen he desings home and quhat he hes got done every way and oblidege,

W. J.

To John Kilpatrick, servitor to the right honorable the Earle of Annandale at London.

280. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, EARL OF ANNANDALE]—Appointment of Mr. Harley as speaker of the house of commons, and the king's health. 1st January 1701.

MY DEAR LORD,—I ame afraid I fatigue you with my trobels, thee being so frequent. I have not much to say at this tyme, only the chusing of Harle speecker to the house

of commons heath disapointet and alarmet a great menny, but yit it is beleived all wil go right anof. All eys are nou opon the missurs that parliament wil take, and until that be seen all other things are in dispense. As to Scots bussinis, therer was never les heerd of them. The two secritaire are migti great and inseparabel, migty good secritaire, so al is cept amongs themselfs. My Lord Hynfurd got his papers syngnet opon Tuesday, so befoor this coms you will kno what thee are. I would have send your lordship the kings speetch, but therer wil be plenti of them in Scotlant.

I ame in hops that the precept wil be drauen for our clothing munny, therer being six months due, witchs onles I get I kannot cloath my regement. Some wil say heer that the king is not in goed helth, but I see him daylay loock wel and cheerful, eats his meet verri wel and thee say sleeps wel. This from your lordship's unalterabel.

London, 1 Januar, 1701.

The first and last tyme I heerd of my being a luctenant-general in Hollant is from your lordship. Adien.

281. REV. WILLIAM VETCH, minister of Dumfries, to WILLIAM, EARL OF ANNANDALE—Advice as to his conduct as commissioner to the general assembly.
17th February 1701.

MY LORD,—Upon the report that your lordship is commissioner to the general assembly, and I being chosen a member therofe, least your lordship should wonder at my absenc, I thought fitt to let your lordship know the cause of it; my horse leaping out of a snow wreath as I came home h̄es given me such a strain as frequently provokes bleeding, and I cannot ryde a mile without pain. It shall be my earnest prayer that your lordship may be helped well and wisely to manage that trust. And that yow may doe it, pray much to God that he wold give yow wisdom for that end. For to Him who is greater then the kings of the earth yow must give ane account; and remember its Christs church yow are now to take care off. Take abundance of patienc along with yow, and when yow speak suggar your words well, on liklie way both to accomplish your designe and gain aplause. Watch against passion and precipitaney in yourself, tho yow see them in heats. And if yow apprehend divisiones, send for the leading personnes, and discourse them auent the dangerous consequence of these thinges, and how unseasonable it is at this juncture, when Europe is like to be imbroiled, and for any thing 1 see, it may ishue in a religious war (for some think the last war was ill guided and concluded), and upon such a prospect will it not shew great wisdom in the members off this assembly to be at peac among themselves,

to be all of a peice, off on heart and of on way. Craveing your lordships pardon for this presumption, which flowes from a singular respect I bear to your lordship, and wishing yow good success, I subscribe myselfe, my lord, your lordships most affectionat wellwisher and humble servant,

W. VETCH.

Dumfreis, Februari 17, 1701.

For the Earle off Anandale, at Holyrudhous, Edinburgh, thes.

282. THE REV. WILLIAM CARSTARES to WILLIAM, EARL OF ANNANDALE, Lord High Commissioner to the General Assembly—Thanks for his account of its proceedings.

London, February 27, 1701.

MAY IT PLEASE YOUR GRACE,—The accounts of the proceedings of the generall assemblie, which your grace was pleased to honour me with, and for which I return my dutifull acknowledgements, were not more longed for then they were acceptable when they came this morning. I am heartilie glad that your grace seems to have overcome the greatest difficultie, even in the entrie, and that the businesse of the intrinsick power is like to creat your grace no uncasinesse ; for I doe humblie judge that the assemblie in their letter to the king hath done all as to that matter that is necessarie, and they have done it honestlie and yet inoffensivelie, and to doe more or raise new debates about it can be of no advantage to the church, and would savour of a bad design in any that should encourage them. I am so hopefull that your grace shall be in no straits as to this matter that I have not desired any new instruction to your grace concerning it ; for reallie I did not know what safelie to suggest to his majestie about it which might not either prove uneasie to him or perplexing to your grace. Mr. Pringle delivered your graces letter and the assemblies to the king, and I went out this afternoon to have spoke to his majestie about what your grace writes to me. But he was so busie that I had not an opportunitie, and tomorrow I am oblidged to goe to meet our great men. But upon my return I shall not fail to represent to his majestie your graces zeal and concern for his service in the high trust he hath conferred upon your grace ; nor shall I forgett to mind what your grace recommended to me formerlie as to your title. Things goe still very well on in the parliament here. They are upon Saturday to be upon the succession. I am, your graces in all dutie.

To his grace, the Earle of Annandale, his majesties commissioner to the Generall Assemblie of the Church of Scotland, Edinburgh.

283. THE SAME TO THE SAME—With congratulations upon his successful management of the general assembly.

London, March 15, 1701.

MY LORD,—I can only doe myselfe the honour by this post heartilie to congratulat your lordships good successe in bringing the assemblie to such an issue as I doubt not but will be much to the kings satisfaction, and I am sure it is much for your lordships honour. I have heard from some of my friends that your lordship hath managed your selfe with that obligeing kindnesse and discretion to the ministers that your lordship hath gained very much their esteem and respect. The king hath been at Hampton Court since Thursday, but upon his return will be acquainted with your lordships prudent and successfull managment, and I shall mind the particular your lordship writes of, and give your lordship the trouble of a longer letter by the next post. I am, in all dutie, my lord, your lordships mest faithfull and most humble servant,

W. CARSTARES.

284. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to [WILLIAM, MARQUIS OF ANNANDALE]—Respecting the forces for Holland. 20th January [1702].

WE are heer, my dear lord, as yit in the darck what way the king intends as to the forceis that are to go to Hollant. Some say thee are to be teken from Engelant and Irland, to wit aight thousand, witchs with two and twenty thousand alreddi in Hollant opon Englis pay makes 30,000. Ten thousand moore are to be hyred troops opon Dutch pay. Its probabel some Scots may be of the last number. We have a rapport that the Ducke of Chomberg goos to comand the King of Prussias forceis, and the Ducke of Ormond succeeds him in the comand of the Englis heer. The Earle of Pembrock is declared hyge admiral of Englant and Irland. Theer heath been none in that station since the Ducke of Yorek. A rapport was spred heer yesterday of the king of Frans his death, but this day contradictet again.

We have several expectants heer for raising of regiments in Scotlant, but I suppose thee may be disapointed. I must always have a regard for what my dear marquis doeth recommand to me, but as to Captain Luetenant Boid, I made him from yongest luetenant my captain luetenant, and must say he heath not answered my expectation in that station. He was my one choise, being a stranger to me in a foot regiment. Theer are severals in the regiment haue better pretens, and Boid is not wel lyckt in the regiment, being of a singular temper, and heath to great opinion of himself, witchs spoils a great menni of thoos boos, and should be brought to reason by some mortifica-

tion. Our secritairs are migti unyt and act verri arbitrarly. Hoe soon auny thing occurs, my dear lord shal have it from his onalterable. Adieu.

London, 20th Januar.

285. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, MARQUIS OF ANNANDALE]—That the king does not wish him to come to court, as he is to call a parliament in Scotland.

London, March 5th, 1702.

MY DEAR LORD,—I promised in my last to acquaint your lordship with the kings answer as to your proposall of haveing his allowance to come hither, as soon as I could gett ane opportunety to aske it. His illnesse hindered me from haveing the occasione for some dayes, but I have now spoken to him on the subject, and I will tell your lordship plainly what he said—That he was verry suddenly to goe beyond sea, and design'd in a short time to call a parliament in Scotland, and therfore was rather thinking of sending doun his servants from hence then suffering any of them to come up, because he judged them necessary at home to prepare people for an easy and peacable session. He had mighty kinde expressions of your lordship, and does think that yow will be verry usefull to him there in order to this end. I hope you'll be perswaded, my dear lord, that I have been as pressing in this affaire with him as was possible for me, and that I shall allwayes be soc in anything that yow are pleased to recomend to me, for I am with great truth and sincerety, yours, etc.

286. PATRICK JOHNSTONE, Edinburgh, to WILLIAM, MARQUIS OF ANNANDALE—
Proceedings at Edinburgh on the news of the death of King William the Third.
13th March 1702.

MY LORD,—Wee had yeasternight the sad and mellencollie account of the death of our greatt and dread sweraigne, King William, by ane express with Colonell Row. Itt is trully verry afflictiong to all honest people here; and this day the lords of privie councill mett and have proclaimed with the needfull and usewell sollemnettie Queen Ann, the councill haveing receved a letter from hir majestie for thatt effectt; and all members present quallified themselves by takeing the oath of alledgedence and signed the assurance, excepting the Lord Ross and Laird of Grant, who toke the oath of alledgedence butt refused to signe the assurance. There was also a paper given in by the Laird of Grant att the councill boord to my lord chancelor which was nott read. Butt I ame informed the contents of it was thatt the parlamente should meett in twintie dayes, as they alledge the meaning of the actt is, after the kings death. This

I perseave proceeds from such as went under the name of Patrick Steele's P[arliament] and signed by thretteen or fourteen of them, who seemes to be fleaking togither here. The city is very peaceable, and I hop shall continuwe so, and I shall not be wanting in my best and outmost endeavours to promett and preserve the same.

I see my Lady Marquas this day who is very weell, as also Mr. Ballingtoun, who was a member of the assemble being dissolved, who acquants that my Lord Johnstone is very weell. There is also this night past in the commissione of the late assemble ane adress to hir majestie which comes by this nights pacatt.

My lord, it is genneraly belieaved here that there will be greatt changes and alterationes in places. I most beg your lordship that yow will please have me in your vew if any thing offer that your lordship thinks proper. I have nott been wanting to my pouer to serve the goverment, and I doubt nott against the nixt meeting of parlement I will be more able to do it, which shall not be wanting as your lordship shall advyse. I wrott to my Lord Seafild this night. I ame hopfull he will concure with your lordship. In this matter I ame loath to presume to trouble his grace the Duck of Queensberry. Butt he was pleased att his last parting from Scotland to promiss me the assurance of his favour and freindship, which if your lordship thinks fitt to mynd him off will be ane furder additione to the many favoures bestowed upon, my dear lord, your lordships most obedient servant,

PATTE^R. JOHNSTON.

Edinburgh, 13th March 1702.

287. SIMON FRASER, LORD LOVAT, to WILLIAM, MARQUIS OF ANNANDALE—Begging his assistance with the queen in his difficulties. 19th March 1702.

RIGHT HONORABLE,—The many instances I have of your lordships favour to me makes me presume to troble your lordship with this line to beg of your lordship to remember me in this criticall juncture. I can very freely promise that I can make as strong a party as any in the north if ther be use for it, and I will be most fathfull to anything that your lordship will be pleas'd to promise in my behalf. I know my enemyes will use all ther interest against me, for they know that I will mortify them if I be law bideing. But if your lordship will be pleas'd to show the queen that I will be usefull to her majesty in this part of the kingdom by my good following and my great and many relations with the Highland chieftaines, I make no doubt but she will give me my peace and some incouragment. I depend very much upon your lordshipes assistance at this tyme, and I will ever remain, right honorable, your lordshipes much oblidged and obedient humble servant,

LOVAT.

Lovat, the 19 of March 1702.

288. WILLIAM, MARQUIS OF ANNANDALE, to his MARCHIONESS--That he has been appointed lord privy seal, and regretting that the urgency of business prevents his coming to her. 2d May [1702]. Draft.

MY DEAREST HEART,—I have nott woritte these two or three posts bygone becaus businesse wes a little uncertain; butt now wee see a little more in to itt, and therfor I doe now breake the silence. You change your sentiments as to the politticks verrie easilie. If I did soe I kno what should become off me. I cannott goe in to the detaile off businesse with you by woriting, nor to tell you how matters have come aboutt. Butt for your sattisfaction, had I followed your advice, I should have been with you att the Eathe and cutt of all, and now I shall be neither att thiss tyme. I think upon good grounds I can tell you that Duke Hamilton and his partie will gocoun worse pleased then they cam up, and they have gained no ground heare, nor I hope will nott in thiss reigne. The Duke of Queensberrie is seercttarie of state in Hyndfoords place. Hyndsoord hes the regiment off dragoons, and goes home. I am privie seal with a thousand pound pension, and the perquisits off the seall makes up twelve hundredthe, and I hope to be continued on the thresaurie, butt I beleive shall have no allowance off munney there. Butt I am assured thiss is butt ane interim businesse in order to better, for the chancellor shall nott be continued long after thiss session off parliament. Now I must tell you that I feare I shall be obliged to goe straight to Scotland, for the Duke off Queensberrie sayes he will have me allongst with him. He hes acted with the greatest degree off frindshipe towards me upon thiss occasion, and I beleive will continue to doe soe. I were ungrate iff I did nott make him all the suitable returns I am capable off. Soe soon as the parliament is over I shall be with you, my dearest, att the Bathe. I hope youl excuse me iff I see you nott att thiss tyme, butt iff businesse and the Duke of Queensberrie will allow, I shall; and iff I should come I cannott stay above two or three dayes att most, and itt will fatigue my horses extremlie. I am alsoe to tell you that the queen hes allowed my brother to come over, and he is now heare. He hes taken the oaths, and the morrow is to kiss the queens hands, and in a little tyme I beleive she will doe for him, for he appeares to be a verrie prettie young fellow and weell considered by evrie bodie, and I hope shall be exactlie dutifull towards me and my familie. I wishe you may worite down immediatlie to those you left your business with that the necessarie servants be provided att Edinburgh, and that I may have eating and diett at home in the abbey as I useuallie have in tyme off parliament, and that furniture, provisions, servants and evrie thing be right as itt uses to be. My dearest heart, I beleive wee may be heare till Fryday next, and after that I wold have you direct no letters to thiss place. If I

can possibly see you att thiss tyme I shall be with you Satturday next. If I doe nott,
believe me itt is nothing butt the urgent necessittie off businesse that occasions itt.
My dearest heart, that God Allmichtie may give you such benefitte by the Bathe as
your condition requires is the heartie prayer of thy ouen intyrlie.

Satturday, the 2d of May.

You kno the privie seall is what you have always had in venu, and I ounē itt is
most aggreable to me off annie character att thiss tyme.

289. GEORGE, VISCOUNT OF TARBAT, to WILLIAM, MARQUIS OF ANNANDALE.—The
debates in the Church on Church government. 15th April 1703.

MY LORD,—It was by Major Steensone that I at Durham did know of your lordships
beeing as yet at York. The letter yow sent went to London, and I found it returnd
at Berwick. I am sorry for the cause of your stay, and shall be very glad to find it
removed, and to wait on your lordship and my lady marquese at Edinburgh, and the
sooner the better, since the parliaments precise sitting is out of doubt, and the ferment,
or rather the various ferments, and from severall causes, needs the indeavours of all
herr majesties servants, and it is a greevous matter that the comon interest and safty
of the protestant religion of Brittain, and the liberty of Europe should not cure them
in all thinking men. For whilst wee contend for fringes of forms and various modes
of government in the church (which in all places ever did and ever will differ from one
another), the great end and use of church government is disappointed. For what use
is of so great care for the hedge of the vinyard to keep out the ravageing boare, the
furious husbandmen will tread it downe and safe the boars labour. But the more doth
the madnes appear in founding the destructive contest, not on whither wee shall have
a hedge or not, but whither it shall be cut out in a low equall hedge, or of a higher,
and with some hights and hoowes of a battlment. And in our state to be contending for
such purchases which are only gott in to be fasht to lay them out againe, and were
our contentions less wee would be less sollicitous for them, and gaine more by them.
This is matter for a letter on the road, but at Edinburgh wee will find other tow to
spinn. My lord, a good and happy journey is heartily wisht to yow by your lordships
most affectionat and most humble servant,

TARBAT.

Cockburnspath, 15 April 1703.

290. SIDNEY, LORD GODOLPHIN, Lord Treasurer of England, to WILLIAM, MARQUIS OF ANNANDALE—The queen's satisfaction with his services.

Windsor, July 27, 1704.

MY LORD,—I did not sooner acknowledg the honour of your lordships letter, which I receiv'd at London, because I had no opportunity till I returned hither of laying it before the queen, who is entirely satisfyed of your lordships conduct in relation to her measure, tho' it has not had the success she hoped and desired, and which she beleives it might have had if her other servants would all have concurred in it as your lordship has done.

The queen had almost given over the thought of continuing this session of parliament, but the hopes given last Fryday for the speedy obtaining a cess for the maintaining her forces has made her suspend taking any resolution till she hears more certainly how that matter will end.

My lord, the queen's being so well pleased with those who have done their best endeavours for her service upon this occasion, does naturally imply an equall dissatisfaction with such as have thought fitt to oppose in a matter so tender in itself and of such great importance to her majestys safety and quiett. I am, with great respect, my lord, your lordships most humble and obedient servant,

GODOLPHIN.

291. JAMES JOHNSTONE, Lord Clerk Register, to WILLIAM, MARQUIS OF ANNANDALE—His satisfaction at the reconciliation of the Marquis with the Marquis of Tweeddale and others.

London, 26 December [1]704.

MY LORD,—I am extreamly glad to hear from the treasurer deput that your lordship and my Lord Tweddale and Rothesse and others are in the way of being in a much better understanding then you have been in. There was nothing that I was more desirous of when I came last to Scotland; and I told you that nothing would be more easy after the session, for till then deceneyes only were practicable. I am sure its equally both your interests, for, considering the handles affoorded here for humour and faction, I believe there will be work enough for all those of one principle, let them be ever so well united. For my own part, I have noe family nor posterity to drudge for, and therefore, unlesse I can have a prospect (which I can only have by union) of serving with successe, without which there is noe peace nor quiet, I will take a short way to be easye. You may imagine, then, that I am verry sincere (and what should make me not so) in offering you any service that I am capable of, for removing any distances

there may be betwixt you and any of those, either there or here, that I have any interest with. This is done in a good degree already, but I would have it done thoroughly, and there may be more use for it then possibly you imagine, if I and others you trust most to cane have our will. Your lordships most humble and obedient servant,

J. JOHNSTOUN.

Annandale.

292. [Sir DAVID NAIRNE to WILLIAM, MARQUIS OF ANNANDALE]—About obtaining his former post, and Scottish statesmen and their measures. 6th March 1705.

MY LORD,—I cannot express the obligations I ley under to your lordship for the assurances you give me of your friendship, and of your resolutions of reponing me to my former post. Whither in that or any other post I am in, I shall indeavour to evidgence the sence I have of my duty to your lordship by a chierfull and ready performance of your commands. I beleive I could have procured recommendations to your lordship from friends that you value much, but I thought that or speaking to the Duke of Ar[gyll] was not soe propper a way till I knew your oun inclinations, for I know none can either be easy themselves or serve well in that station unless there be a reciprocall confidence and freedome. I was last night and this day with the Duke of Ar[gyll], who exprest a greater satisfaction in your lordships resolutions then I had reason to expect, and he is earnest to have me declaired immediatly, but I presume it will not be soe convenient, for I cannot think Rox[burghe] will paire easly with Mr. Wed[derburn]. Soe what seems most feasable at present is to have matters soe adjusted that what representations the Duke of A[rgyll] or your lordship maks may come to me as soon as others to other people, and a methode laid doun for me to dispatch her majesties pleasure. I hope these things were execute to the satisfaction of all concernd two years agoe, and if I am intrusted with the same power, I shall make the same fathfull application.

Your friend has not been doun stairs for near five weeks past. As soon as he heard of the designe of altering the commissioner to the generall assembly, he sent to the Duke of Ar[gyll] and told him that if he quitt that the whole kingdome wold see immediatly that he had not interest, but that he was brought in to worke for others, and that if your lordship did relinquish your pretensions, yet that he ought to have the nameing of ane other, or he wold appear to have noe power. He has stuck soe closs to it that I hope there is noe manner of fear but all will gee to your satisfaction. Indeed, he told me it was done, but as long as papers remain in Sea[fiel]ds hands, noe body concerned in them are safe. Its not possible to tell you the usage your friend has met

with from Sea[field] this winter. I am sure noe brother could make professions of friendshipe, I mean in his private affaires, with that aire of sincerity that he has done, and laid the fault of any obstruction he met with on other people. Now, since the Duke of Ar[gyll] has come to talke of business, and particularly that he has discovered that man to be the greatest enimie your friend had, its put soe in the publick. For had he been sincere, or, as I may say (seeing your lordship commands me to write freely), sound at the bottome, there wold have been a new satlement much more to your satisfaction ; for had he declaired himselfe inclinable for the new sett, he wold not have been trusted, but instade of that he always set up for a newter and balsamike man, and rather seemed to incline to us, soe that the treasurer thought he had consented all with your friend, for that there shoud be a reformation it was agreed, and your English friends did manadge it heartly with the treasurer, and were always with your friend, and he gave them right notions, and when we expected all wold be well, out comes this new scheme ; however, its not time now to look back, and if they have laid a trap to catch others, whey may not themselves be catched. All here stick firme, and if friends with you will nather dispond nor be put upon, its not doubted but all will yet goe right. The Duke of Ar[gyll] and two secretares were to be with the queen this evening, but have seen noe body since. The duke has declaired he will not goe doune till Mr. Johnston and the four new treasury men are removed. Upon this tryall of skill its thought much will depend. Some says if it is they will quitt. The doeing of that will make all things easy. I fancy the last ministry have not made many prosilits. The Duke of Ar[gyll] thinks that a letter from your lordship to him a week agoe was opened. Therefore, if you [write] anything materiall, the Earl of L[even] will give you a direction, or you may put them in the common post, and direct to my house in Little Queen Street, near the upper end of Haymarket, and it will come safe to your lordship's most faithful, humble and obedient servant.

6th March 170 $\frac{4}{5}$.

293. JAMES OGILVY, EARL OF SEAFIELD, Secretary of State, to WILLIAM, MARQUIS OF ANNANDALE—On the latter's appointment as commissioner to the general assembly and secretary of state.

London, March 8th, 1705.

MY LORD,—This flying pacquet is sent with the Duke of Argyles commission, and the letters for his equippage and allowances. Her majesty hath agreed that your lordship be commissioner to the generall assembly, and I shall tomorrow draw the letter and instructions quwhich shall be upon the matter the same with what was done last year

when my Lord Ross was commissioner, qwhich I understood was very satisfying. There has been several others that offered there service to her majesty in this station, but I did on all occasions acquaint her majesty of your lordships fittnes and capacity for it, and I was very glade to continue so long in my office as secretary as to serve your lordship in this particular. How soon this and some other papers are signed I am to accept of my commission as chancellor, and your lordships as secretary will be sent down. I shall write again on Saturday with your commission, and shall now only add that I am, with all respect, my lord, your lordships most faithfull and humble servant,

SEAFIELD.

294. THE SAME TO THE SAME—Sending the commission of the marquis as secretairy, and as to the management of the general assembly.

London, March 10, 1705.

MY LORD,—This is to wish your lordship joy of your post as secretarie, which is hierwith sent. Her majestie hes been also pleased to make your lordship commissioner of the assemblie, in which I wish you al success. The publict instructions are verbatim what your lordship had when you was last commissioner, and the privat one is according to my memorie what my Lord Ross had, with which the ministers wer verie weal satisfyed. It hes been my designe to make maters easie both for your lordship and them, and knowing it to be your inclinations to serve in this station I used my endeavours to serve you in it, and I can assure your lordship ther wer several other pretenders. I am commanded by the queen to leat your lordship know that her majestie expects you will use your endeavours that nothing be done in the assemblie contrarie to her prerogative except in the maner contained in the privat instruction. I hope to be with your lordship befor the meeting of the assemblie, being to take journey this day. I hope your lordship is nou satisfyed of my sincer designs to serve you, and on al occasions you may with al freedom command, my l^d, your lordships most obedient and most humble servant,

SEAFIELD.

295. JOHN, SECOND DUKE OF ARGYLL, to WILLIAM, MARQUIS OF ANNANDALE—
To postpone execution of the sentence upon Captain Green and his crew.
24th March 1705.

MY DEAR LORD,—I have, by the queens orders, writt to the chancelor to lett him know she will have no sentence put in execuction upon Captain Green and his men till

such time as her pleasure be known in the affair to the council, and that she will have all the paipers relating to the tryal sent up. I shall in three or four days give you sum account whow our affairs goe.—I am, my dear lords, ever,

ARGYLL.

London, March the 24, 170 $\frac{4}{5}$.

296. WILLIAM, MARQUIS OF ANNANDALE, [probably to SIDNEY, LORD GODOLPHIN]
—His gratitude to the queen for her commissions to him as high commis-
sioner to the assembly and secretary of state. [March 1705.] Draft.

MY LORD,—That I have given your lordship no truble since I wrote after our last session off parliament is neither want off respect nor duettie, for heare hes nothing passed worth your nottice, and I wes loath to be trublesome when I knew your lordship wes taken up with the greatest affaers. I beg leave by thiss to acknoledge to your lordship the honor off hir majesties commission to represent hir royall person thiss next assemblie. I have reason to hope I shall give hir majestie a satisfieng account off that affaire, for itt shall be my greatt concerne that all these proceedings shall be with the greatest duettie and respect to hir majestie and government, and with all due regard to the prerogative and rights off hir croun.

My lord, I have a greatt sense off the undeserved honor the queen does me in calling me to be one of hir secrettaries off state. I shall ever endeavor by my fidellittie and zeall in hir service to make alle the suitable returns to hir majestie that I am capable off. I have ever been sensible that I cannott serve the queen to soe good purpose as when I make your lordships measures my rule, soe that I beg your lordships commands while I am heare, and the continuance off them when I am there.

My lord, I dare nott presume to say much att thiss distance with relation to the condition off the government heare. I wishe they were ass much off a pEECE as possible. Thiss is the most probable way to obtain success and effectuatt the queens measures next parliament. I doe promise, my lord, to performe my part with all the vigor and zeal I can, and to use my best endeavours that others doe the same (the like). When I kno itt may nott be trublesom to your lordship I shall give you the best account I can off the most important passages off our parliament, and I begg excuse for thiss truble, and that your lordship will beleive that I am ever, with the greatest duitie and respect, my lord, your lordships most faithfull and most humble servant.

297. SIDNEY, LORD GODOLPHIN, Lord Treasurer of England, to WILLIAM, MARQUIS OF ANNANDALE.—That the queen is depending on his assistance and advice to her commissioner to parliament.

31 March 1705.

MY LORD,—I return your lordship many humble thanks for the favour of your letter, which I show'd to the queen, and her majesty has ordered mee to assure your lordship she depends very much on your fidelity and capacity in giving your best eownssill and assistance to her comissioner, whose youth and warmth may possibly have need of your lordships temper and prudence.

I shall bee very glad of any opportunity of receiving your lordships commands for the queens service and upon all occasions endeavour to lett you see I am very sincerely, my lord, your lordships most humble and obedient servant,

GODOLPHIN.

298. THE PRIVY COUNCIL OF SCOTLAND to QUEEN ANNE.—In reference to the respiting of Captain Green's crew. 3d April 1705. Copy.

MAY it please your majestie,—By our letter to your majestie of the 28 of March last, dispatched by a flyeing packet, we hope we have allready satisfied your majestie as to what your majestie requyres by your royll letter of the 27 March concerning the proces and sentance against Captain Green and his crew and the reprise your majestie pleased to requyre and authorize us to give them. We have allready sent the whole proces, indictment, pleadings, probation, verdict, and sentance, with tuo confessions of Linstead and Haynes, tuo of these condemned, that plainly confirm'd the proceedings in that tryall, to be laid befor your majestie; and we are more and more persuaded that if the first orders for a reprise had not come so soon the greater part of them might have confess, as on Brucklie, who is another of these condemned, hath since done, with a new and most convincing evidence of the murder as well as piracie and roberrie, and all committed on Captain Drummonds ship as Haynes formerly depos'd.

But now, upon the whole matter, tho we have in obedience to your majestie given to these persones a reprise to the eleventh instant that we may have your majesties return to what we formerly wrote, yet we must again with all submission, and in the pure conscience of our duty, intreat and obtest that your majestie would be pleased to grant no furder reprise or remission to these men except upon recommendation from your councill here as reasones may occurr. For after a tryall so legall and solemn, of such atrocious crymes discovered by so observable a providence, and after the confirmations we have allready had by so many after confessions, we must in humble dutie take

the libertie to assure your majestie that it is the great concern of your majesties service and the earnest expectation of all your people not otherwayes to be satisfied, that the publisc justice of the nation be allowed to proceed without any furder stopp, which we are persuaded your majestie will approve for a crewell horrid murder also well as pirracie and roberie, being now manifestly discovered to have been committed on your Scots subjects. We must again represent to your majestie that no furder reppryve should be granted. We are in all dutie, may it pleas your majestie, your majesties most loyall, most humble, most faithfull and obedient subjects and servants (*sic subscriptur*) SEAFIELD CANCELLAR, TUEEDDALE P., ROTHES P. S., ROXBURGH, BUCHAN, MAR, GLENCARNE, LOUDOUN, FORFAR, HYNDFOORD, ROSEBERRIE, JA. STEWART, GEO. BAILLIE, F. MONTGOMERIE, JOHN HOME, PAT. JOHNSTOUN.

299. SIR DAVID NAIRNE to WILLIAM, MARQUIS OF ANNANDALE—The privy council of Scotland and the case of Captain Green's crew, etc. 7th April 1705.

MAY it please your grace,—This morning I had your graces of the 3d by the flying packet. I must confess I have seen many letters from the councell, but never any in such langwige as that which came last. The Duke of Argyle is fully convinced of the reasonableness of what your grace says, but it is hardly now to be attempted to doe more till his graces arivall. The queen wrts by this post to the councell and leavs to them to doe with the condemned criminals, and at the same time transmitts the effedavits of two of Drummonds crew. Yeasterday my lord treasurer was with my lord commissioner, and when he was goeing out he turned and told his grace that the queen expeceted to have what representations were made by him to be done by me; yet I cannot but observe that this day, after the flying packet came, Mr. Wedderburne was a considerable time with his lordship. There were letters from the chancelor, and I suppose it might be to read them. The morrow there is to be a meeting of severall of your graces friends to adjust all matters befor my lord commissioner goe. What happens your grace shall know next post. I containow with all duty, may it please your grace, your graces most humble and most obedient servant,

DAVID NAIRNE.

7th Aprill 1705.

300. WILLIAM, MARQUIS OF ANNANDALE, to QUEEN ANNE—Giving an account of the assembly's proceedings. [26th April 1705.] Draft.

I PRESUME to give your majestie thiss truble with the account off the parting off the assemblie thiss day. They have managed all there affaires with great order and

unanimitie, and with the greatest[*t*] deference and duettie to your majesties authoritie and government. The warme expressions off there affection and loyaltie to your majesties sacred person, att their parting, ass weell as in all theire proceedings wes most satisfieng to all your good subjects heare, and they have such a dutifull and grateful sense off the unvaluable blessings they enjoy from your majesties countenance and protection that it may be expected in theire stations they will behave themselves as becomes the most faithfull off your subjects. I wishe I may have reason to give your majestie the same account off all the meettings off your majesties subjects in thiss nation. I am sure I shall ever, with the greatest fidelittie and concerne bestow my best endeavors that itt may be soe, for without either regard to person or partie, I am intyrlie devoted to your majesties service, and with the greatest[*t*] zeall.

May itt pleas,

301. WILLIAM, MARQUIS OF ANNANDALE, [probably to SIDNEY, LORD GODOLPHIN]—
The closing of the assembly—Captain Green's crew. [26th April 1705.]
Draft.

MY LORD,—I have presumed thiss night to give her majestie ane account off the parting thiss day off the generall assemblie. In the wholl progress off there proceedings there appeared the greatest duettie and affection to her majesties person and interest, and there debaitts and affairs were managed with all due regard and respect to her majesties authorittie and government. They received from me the dissolution off thiss assemblie and the appointment off the next in her majesties name and by her authorittie with all becomming respect and submission, tho there were endeavors used (by some who designe neither peace in churche nor state) that itt should be otherways. I shall nottrouble your lordship now by beeng particular. I hope to have a more convenient opportunitie for thiss heerafter.

I kno nott how to tutche thiss unluckie afflaire off the English shippes crew, for the character I have carried hes kepted me from annie intermeddling in that matter. Butt I must say had all her majesties servants acted that vigorous and dutifull part that became them, the insolencies and irregularities, spiritt and ferment of the people had never come to annie lighth. Butt the appearance that wes made in the first instance against her majesties commands transmitted by her commissioner, and the absenting off some off her cheiff officers off state gave life to thiss shamefull business, which ought to be detested and abhorred when itt is considerred what appearances and insults the mobb were guiltie off upon thiss occasion, such as never hes been practised in my tyme nor in the age befor in thiss nation. I acknoledge the honor of your lordships whiche

I had some few dayes agoe. I wishe to receive your commands and directions in what may concerne her majesties interest and service heare, for no man will more unbyassedlie and impartiallie prosecute them, and I never shall minde either partie or interest when her majesties measures and affaers call for my assistance. If thiss is nott the rule, which I have too much reason to apprehend will nott be with mannie off her majesties servants, the success next session off parliament will nott answer. I begg your lordships pardon for thiss tedious truble, and that you will beleive me with the greatest sincerittie.

302. [WILLIAM, MARQUIS OF ANNANDALE, to SIDNEY, LORD GODOLPHIN, Treasurer of England,]—In reference to the prospects of the parliament in Scotland.
c. April 1705. Draft.

To the thresaurer.

MY LORD,—Since my lord commissioner came to thiss kingdom he hes verrie fullie disscoursed some of her majesties servants annent the present circumstancies off hir affaires and government, and I dare say withoutt resentment or prejudice wee have honestlie given our oppinnion, and what wee think is absolutelie necessare att thiss tyme for the true interest off her majesties government and authorittie and successe off her majesties measures next session of parliament. I have formerlie given itt as my oppinnion to your lordship that itt wes necessare the government were off a peece and unite. I must now say unless itt be soe wee can have no probabilitie of successe next session off parliament. For the behaviour and appearance off her majesties servants who were last employed hes been soe gross and undutifull in thiss unluckie business off the English ships crew, bothe towards her majestie and her commissioner, that I can with no reason think they will give annie manner off concurrence or assistance next session off parliaument. I have no privat nor particullar veue off my own. Itt is my conviction and duettie to her majestie and her service, and my zeall for a good understanding betwixt these two nations that forces thiss freedome; and I doe assure your lordship that all my appearances and actings shall ever be suitable to thiss, for I think itt is our great and important concerne att thiss tyme. I shall not truble your lordship with particullars since my lord commissioner will give you ane account off the unanimous oppinnion off her majesties servants, whom his grace wes pleased to call and advise with upon thiss occasion. I may say itt is given as the onlie probable way to sett matters right heare and to obtain successe in her majesties affaeres, and I hope it will be soe received by her majestie. I shall never presume to give advice butt with the greatest fidelittie and zeall for her majesties honor and interest, and soe as I hope your lordship will beleive that I am with the greatest sincerittie.

303. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—
Of the queen's satisfaction with his efforts in her interest.

May 7, 1705.

MY LORD,—I should not have been so long without acknowledging by the post the honour of your lordships letter of the 26th of April if I had not been expecting still from day to day that the queen would bee pleased to dispatch a flying packet with her answer to my lord commissioners letter.

Her majesty writes so fully her self to my lord commissioner upon the subject of his grace's and your lordship's letters that I need not give you the trouble of adding anything to it. The chief thing in view of all the queens servants ought certainly to bee the procuring a majority for her majesty's measures in the ensuing session of parliament, and the necessary steps in order to that ought as certainly to be taken if there be any method to attain that end without much regard to whom it would please or displease in particular, when so great an advantage to the publick is to arise from it.

The bottom ought therfore to bee made as broad as it can of those who may bee trusted and relied upon, for there seems to bee no reason or indeed excuse for violent measures but the probability of success when they are taken, and any scheme proposed for alterations will come with more force when at the same time it names the persons to succeed, and by that means leaves room to make some judgment of the advantages to her majesty's service which may probably follow from it.

I shall give your lordship no farther trouble than to assure you the queen depends very much upon the knowldg she has of your great zeal and capacity to assist my lord commissioner in conducting her majestys affairs to their happy period, and that upon all occasions where I may bee able to contribute any thing to the successe of your endeavours I shall bee very ready and desirous to approve my self, my lord, your lordship's most humble and most obedient servant,

GODOLPHIN.

304. WILLIAM, MARQUIS OF ANNANDALE, to [SIDNEY, LORD GODOLPHIN]—As to
the proposed measures in the parliament, and recommending Sir Gilbert Eliot
for a vacant judgeship. Draft.

The 9th off May [1705].

MY LORD,—I wrote nothing by last expresse beccause I had given your lordship my thoghts upon the matter by the Twesdays post. I may say itt must be a mighty mistaken measure for settling the protestant succession, that most of all the Jacobites

and dissaffected to her majesty in thiss nation will goe into, and nott ten revolution men, or those who are for the protestant succession will join in. The union was proposed in the first session after her majestie came to the thron to defeatt the abjuration, and in the same maner and by the same advice the treatie is now advanced to thro off the succession. For iff the abjuration had been carried, which wold have been iff the parliament had nott been adjurned that very day, there had been no difficultie thiss day in settling the succession. I am see full off thiss matter, and I think the peace and quiett off the queens government, and the interest and securittie off these two nations soe much concerned att thiss tyme, that I am forced to give you more truble then I have inclination to doe, and I must beg leave to tell you that my lord commisioner is soe much in peoples hands that are for measures whiche I doe nott understand to be the queens, that what may be the consequences I hope shall nott be imputed to me, and where I may differre, her majestie I hope will allow me the honor and justice off a faire hearing, and I make no question I shall sattisfie that I ever designe the honor and interest off her reigne and service. My lord, thiss day died one off our judges bothe for civil and criminall affaires. Itt is the first tyme I have presumed to recommend to her majestie, and since I have the honor to be one off her secrettaires I hope her majestie will honor me with that trust that I will withoutt regard to anic thing butt to her service and interest name the most sufficient man I kno in thiss nation bothe for her interest and honor, and who will be withoutt exception acceptable to all good men heare. Sir Gilbert Elliott, her clerck off the councill, is the man I name, and I must say, as he is intyrlie for the interest and honor off the queens government, soe he is a man of such parts and suficiencie and firme honestie and resolution that I kno no man can be equallie usefull in these stations to her majestie or her governnuent heare. He is a bred lawyer and one off the best in our nation, and I doe assure your lordship the benche wants such ; and he is a man withoutt a blott for his reputation and integrattie, soe that I may venture to say the queen takes due care of our lives and properties when she names such judges. My lord, as I shall be ever most tender in what I advance by my advice to her majestie that itt be for her interest and honor, soe I am sure I am most saiffe in thiss, for he is intyrlie for her majesties service upon the revolution bottom and for the same succession with England, and therfor shall beg your lordship will heartillie interpose heare, for I may assure you the sucesse will be most encuraging to all good men, and will in the greatest measure assist upon thiss occasion. I am ever.

305. WILLIAM, MARQUIS OF ANNANDALE to [SIDNEY, LORD GODOLPHIN]—His attachment to the queen's service, and readiness to advance her measures.
16th May [1705].

MY LORD,—I had sooner acknoledged the honor off your lordships off the 7th, butt that I camc onlie last night from the cuntrie, where I wes necessarlie obliged to be for some dayes upon my oun privat affairs.

I am intyrelie off the same oppinniou with your lordship as to the queens affaires heare that all methods ought to be followed whiche will bring a majorittie to hir measures, and annie scheme that hes nott that effect I shall never advise itt, for withoutt regaard either to persons or partie I will vigourouslie assist and concurr with annie who shall advance the queens measures and interest next sessions off parliament. Thiss ought to be the onlie vewe off all her servants, for the swiftie off the publick depends upon the successe off what her majestie proposes, and all stepps should be made that will make the bottom ass large as possible. And, my lord, unless I see a plain probabilitie off thiss I shall nott presume to give annie particular advice. I doe say, with greatt resignation to the queens service (as itt is my duettie) that all who will goe in to hir measures heartillie ought to be encouraged, butt, considering the stepps some have made off laitt, tyme can onlie shoo who these will be. I shall with my best advice and assistance be ass usefull to my lord commissioner in the conduct and managment off affairs heare as I cau. The moderatt way will certainlie be the best way at thiss tyme, and I hope itt shall be followed. I beg your lordships excuse for thiss truble and, beleive me, I have no thought butt how to advance her majesties interest and service heare, and a perfite understanding and union betwixt these two nations, whiche I am sensible is our greatt securittie. I shall ever have a due sense off the obligations I owe to your lordship and endeavor to give prooffs that I am, my lord, your lordships most faithfull and most humble servant,

ANNANDALE.

Holyrudehouss, the 16th off May.

306. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—
His proposals to assist the lord commissioner.

2d June 1705.

MY LORD,—I have the honour of your lordships of the 26th of May, which the queen thinks reasonable in every part of it, but being so much pressed in time is afryad the service might suffer upon that account if she should delay soe long as but to consider and debate what my lord commissioner has proposed. This being the case, her majesty

has not the least doubt of your lordships concurrence and best assistance in her service, and I hope your lordship is satisfyed that I am, with very much respect, my lord, your lordships most humble and obedient servant,

GODOLPHIN.

307. REV. WILLIAM STUART, minister of Kiltearn, to WILLIAM, MARQUIS OF ANNANDALE—The state of Ross, and suggesting that Sir Robert Munro of Foulis should be appointed sheriff. 2nd June 1705.

MY LORD,—Your lordship's conduct in the late generall assembly when representing her majesty's person there, was soe much to the comfort of this nationall church, particularly to the eomfort of my parish, yea and the presbytries and all the friends of the government in the province of Ross, that both they and I have, and shall have a thankfull remembrance therof, and be in a readiness to serve your lordship.

It is your lordship's carriadge then that encouradges me to give your lordship this trouble now, especially when I consider that ther is none can more effectually remove the grievance I complain'd of then than your lordship; and providence haveing, as I think, put ane opportunity in the way, I reekond it duty to acquaint your lordship with it. In short, my lord, its this. There is a powerfull clann in Ross calld the Mackenzies. They combyne together to stand out against presbyterian government. I wish heartily they be friends to the civill government as now established upon the revolution footing. There are two of ther number chosen shireives, the one principall, the other deput. From this did the rabble at Dingwall, the exorbitant fines and bonds imposed on my parish, arise and flow. Now, if the shireiveship could be brought out of ther hands and put into the hands of such as would be friends to the government, civill and ecclesiastick, it would be a remedy of the former evills. But soe it is that the shireff principall is removd by death the other day, and if your lordship could gett ane honest man chosen in his roou it would be very comfortable to all the friends of our common interest, and excellent service done to the government. If Sir Robert Munro of Foulis were chosen by her majesty I know noe man more friendly to the government. He has both will and skill to serve her majesty in that post, and it would be most encouadgeing to all our friends in the four countries about us to hear that that worthy gentleman, who was oppresst by the shireives for appearing for our interest the last year, is himself advanced to be shireive this year. If the councill would nominat him to officiat as shireive in the interim it would lay aside the deput, who is ane avowed enemy to our common interest. None can doe more in this than your lordship. In none have I more confidence, and none shall have more thanks for



2^d June 1705

My Lord

I have the hon^r of yr L^y of the 26th of May
in the Queen thinking reasonable in every
part of it, but being so much pressed in time
I afraid the Service might suffer upon that
account, if she should delay so long as but to
consider & debate about my L^r Com^r her Maj^y
proposed. This being the case her Maj^y
may not the least doubt of yr L^y concurrence
& best affiance in her Service, & I hope
S^r L^y is satisfied that I am wth very
much respect My Lord

Y^r L^y. most humble &
obedient Servt Godolphin

anything that shall be done in this mater than your lordship from the presbytrie and from, my lord, your lordship's most affectionat and most humble servant,

WIL. STUART.

Kiltearn, June 2th, 1705.

To the right honorable my Lord Marquiss of Annandale, one of her majesty's principall secretaries of state, these.

308. SIR DAVID NAIRNE, Under-Secretary of State for Scotland, to WILLIAM, MARQUIS OF ANNANDALE.—The appointment of Sir Gilbert Eliot to the vacant judgeship, and as to measures in parliament. 16th June 1705.

MY LORD,—Yeasterday I had the honor of your lordships of the 9th, with one to my lord treasurer, which I delivered. He told me that your lordship had earnestly recommended Sir Gilbert Eliot, and that my lord chancellor had wrote to him that Sir Alexander Oglivie had past from his pretensions at this time on my lord commissioner's promise to be his friend on the next occasion. All this securs Sir Gilbert. But I had got my lord treasurers promise befor, for I took the liberty on your lordship's former letter to speak very home, and left him not till I had orders to draw the necessary letters, which I have ready and am now goeing to Windsor with them. My lord treasurer was freer yeasterday with me in business then he has been since my entrie. I doe assure you if I should tell your lordship what he said of yourselfe it wold look like flatery; but, in short, he said he founde you differed from the queens servants in the grand point, but that you had wrote better reason on the subject than any body els hes done. I have not been wanting in my duty in neglecting to say what was necessary. In all appearance the letter and instructions will be according to your desire. Neither of the two that have been sent were liked, soe there is a 3d drawen from both, wherby both the succession and treaty are recommended, but the first most pressingly and to be insisted on in the first place. It greives me to the heart to finde there is any difference betwen the commissioner and your lordship. Your lordship will consider he is young in years and business, and therefore, for Gods sake doe not leave him upon any lile trick or suspicions, but rather be more with him to prevent his being earyd off by others. This may be thought too presumeing in me. But I am sure, if you knew my heart you wold forgive me, for I am, most fathfully and affectionatly, my lord, your lordship's most humble and most obedient servant,

DAVID NAIRNE.

16th June 1705.

Lord Marquis of Annandale.

309. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—That the queen is not displeased at his difference of opinion, and accepts his recommendation of Sir Gilbert Eliot.

Windsor, 18 June 1705.

MY LORD,—I have had the honour of 2 letters from your lordship of the 1st and 9th, both which I have, according to your lordships desire, layd very fully before the queen, who is very farr from being dissatisfyed with your lordship for your difference of opinion from some others of her majestys servants. She seems to think so much is said for both opinions that she resolves to recomend to the parliament both the settling of the protestant succession and also a treaty for a union, pursuant to which resolution she has order'd Sir David Nairn to prepare her letter to the parliament out of the 2 draughts which have been transmitted by my lord commissioners order, with some few small variations only from those draughts.

The queen has been pleased to receive very willingly the recomendation of Sir Gilbert Elliot to succeed my Lord Phesdo, and it is always matter of great satisfaction to her majesty when she can fill so important a vacancy with a generall approbation.

I have no farther trouble to give your lordship at present, but wishing heartily her majestys affairs in the parliament may meet with a success answerable to your lordships zeal for her service, I remayn, with much respect, my lord, your lordships most humble and obedient servant,

GODOLPHIN.

Lord Marquis of Annandale.

310. THE SYNOD OF MORAY to WILLIAM, MARQUIS OF ANNANDALE—Desiring his influence with the queen in the affair of Inverness. 25th June 1705.

RIGHT HONOURABLE,—The provincial synod of Murray haveing mett since the sitting of the assembly, got a full account from their commissioners of your lordships concern for the peace of this national church, and how seasonably, by your authority, such as intended to disturb the harmony of the assembly were check't and silenc'd, to the great satisfaction of the members, and the grief and envy of these who were industrious to put the church in a flame; the consideration whereof, among many other passages of your lordships favour, hath so engaged the affections of this synod that they judge themselves obliged to remember you and your family before the Throne of Grace, that since they cannot, He who is abundantly able may plentifully reward your lordship. And they doubt not of the whole synods in this kingdom their cordial joining with them in this matter.

This synod was also informed with what readiness your lordship did undertake to lay the affair of Invernes before her majesty, and they have an intire confidence in your lordships word that they judge it improper for them to use arguments; only they humbly presume to be your lordships remembrancer, and that in regard a throng of other important and weighty concerns of the nation may take up your thoughts; and also they understand it was agreeable to your inclination to be put in mind of the affair of Invernes, concerning which they are hopefull that, your lordship being the happie instrument in promotting this good design, the generations to come will have occasion to rise up and call you blessed. The synod had rather ow this obligation to your lordship than any other, and have appointed me, in their name, to give your lordship their humble and sincere thanks for the favour you have alreadie exprest this way. Withall humbly intreating that the poor and destitute fifteen hundred highlanders in the town and parioch of Invernes may be remembred when your lordship sees her majesty, whose compassion to them is not doubted, her gracious letter to the assembly giveing us great ground of encouragment and assurance. In the meantime the synod desire to look up to him who hath the hearts of kings in his hand, that he may bring about this affair to his own glory, your lordships satisfaction, and the advantage of a poor, perishing people. Thus praying that the Lord may long preserve her majesties person, and bless her government, and fill her royal heart with the graces fitt for the high and eminent station wherein he hath placed her, and that your lordship may grow greater and greater in favour with God and man, and that the unerring conduct of heaven may continually attend you, and that non of your interprizes may fall to the ground, but that they may terminat in the glory of God, her majesties service, the settlement of the state, the peace of the church, the good of the nation, and your lordships honour and comfort. This, in the name and at the appointment of the provincial synod of Murray, is humbly represented unto your lordship by, right honourable, your lordships most obliged, most humble and obedient servant,

Ro : BAILLIE, Modr. Syn. pr.

Inverness, 25th June 1705.

311. [WILLIAM, MARQUIS OF ANNANDALE, to SIDNEY, LORD GODOLPHIN]—The proceedings of the anti-union party in the Scottish parliament. [18th July 1705.] Draft.

I AM heartillie sorrie I can give your lordship no better account off the proceedings off our parliament, for yesterday the Duke off Hamilton, Duke off Atholl, and all there frinds unittid there fullest force to oppose and defeatt the treatie whiche wes proposed by the queens servants. After a verrie warme debaitt itt came to the vott—proceed to a treatie with England, or to limitations and regulations of our constitution—the last

carried by three votts. I used my best endeavours to advance the treatie, since the parliament had concluded themselves by a resolve not to name the successor without a previous treatie, and I took notice off the dissingenuittie off those who had pressed the resolve, in which they declared a previous treatie essentiallie necessarie befor wee should name the sucessor. And yett, now that a treatie wes proposed, these verrie persons did opose itt, and declaired itt wes neither honorable nor saife to treate with England att thiss tyme ; soe that they had engaged the parliament in a resolve whiche they never designed should take effect. The Duke of Hamilton took thiss to himself, as he might weill doe, and seemed to think it wes hard upon him. Butt the houss seemed generallie to be sensible that hiss graces appearance could beare no better construction. I wishe wee may be able yett to retrive thiss point off the treatie. Batt I am afrayed itt may be hard eneugh, and that they will endeavor to clogg itt soe as the queen cannott pass itt. For they are now verrie plain and above board in all there speeches and proposals. I wishe wee had the necessar supplies for the forces, and I think that should be endeavored ass soon as possible, for I must still be more and more off opinion that the sooner there is ane end off thiss session off parliament the better for the queen and this nattion. I am.

312. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—As to the proceedings of the Scottish parliament.

July 23d, 1705.

MY LORD,—I am sorry to find by the honour of your lordships of the 18th that the parliament have precluded themselves from going upon the settlement of the succession till a previous treaty, but since they could not bee hindred from that step, the next thing to bee wished is, that their act for a treaty may not bee clogged with any other matters forreign to it, which will make it not possible for the queen to give the royall assent to it ; as also that there may bee a farther maintenance for the forces, and a speedy end of the session, in which point the queen is entirely of your lordships opinion for a great many reasons with which I need not trouble your lordship. I am, with respect, my lord, your lordships most humble and obedient servant,

GODOLPHIN.

313. WILLIAM, MARQUIS OF ANNANDALE, to [SIR DAVID NAIRNE]—That the disposal of the clerkship of the council appertains to the secretaries. c. 26th July 1705.

SIR,—I hope, now that my monthe is over, my Lord Loudun will take care to send you particullar accounts off what passes. Wee proceed very sloulie and to small purpose.

Heare is one act amnent herring fishing that hes taken up two dayes and is not neare concluded, and is like to be a very heavie act upon the queens revenue, as all there acts of trade are cheiflie designed, and the limitations against the croune and monarchie. Soe that I am affrayed the eight dayes will make itt a verrie uneasie session off parliament. Butt that I am nott to answere, for itt wes intyrlie against my advice and judgement. I desire to kno if you have woritten by order that the commissioner may disspose off the blanck commission off clerck off councill to Mr. Allexander Arbuthnet, for he may ass weell disspose off our commissione as secretaries, becaus that commission intyrlie is our right to disspose ass much as the dues of the signett are, and hes been ever soe practised ; soe that I doe assure you I shall never beare such a gross violation and encroachment upon the office soe long as I have the honor to serve her majestie there. I shall forbeare woritting to the queen or thresaurer untill I heare from you, or untill his grace shall give the comission. Butt I shall hope upon thiss you will lay the matter soe as the commission shall be delivered to the secretaries, who have the onlie right off dissposing off itt.

314. THE SAME TO THE SAME—The appointment by the commissioner of Mr. Alexander Arbuthnott as clerk of council. c. July 1705. Draft.

SIR,—The blanck commission for clerck to the councill is like to be made use off verrie cavalierlie, for my lord commissioner sayes he will disspose off itt to Mr. Allexander Arbuthnett withoutt regard to the consent off annie off the secretaries ; att least sayes he will not ask mine. I have told him plainlie that I understand itt, and am perfitelie sattisfied itt is the right and priviledge off the secretaries to disspose off thiss office, for by the nature off our employmet wee are principall clerks to the queen and her privie councill, and the signett of councill belongs to our office, and soe consequentlie the keepers theroff, who are the clerks, are our deputs and att our dissposall ; tho the queen signs the comissions, yett they carrie by expresse consent off the secretaries. Besides the constant custome off the clerks beeng ever named and putt in by the secretaries, whiche I beleive you may partly kno. With greatt difficultie the Duke off Queensberrie hes prevailed with him nott to be haistie in giving thiss commission, for I desired the Duke off Queensberrie to tell him that I wold not beare such ane invasion and encroachment upon the office. For iff such a commission were offered to the councill I should certainlie require itt to be stopt there untill the queen be duelie informed off the secretaries interest and right in the dissposal off that commission, and appeall to her majestie herselfe, who I kno will ever doe her servants justice ; and as the marches and bounds of there severall posts are verrie cleare, soe she

will protect them justlie in the exercise theroff. A wrong stepp in annie business occasions a grate dale off truble. For thiss commission should have been sent to the secreraries, since my lord commissioner may, with the same reason, dispose off the dues off the signett and all the other perquisites off the office that he can doe off thiss. And I must tell you that the gentleman he pretends to give itt to is notoriouslie knouene to be Jacobite by his principle, and never gave one vott for the queens interest and measure till itt seemes the expectation off thiss commission broght him the other day to give a vott for the treatie preferable to limitations. And I may, upon verrie good grounds, assure you he will never be broght att annie tyme to vott for the same succession with England ; for he hes ever been, and will be still firme and fixed, bothe by principle and inclination, to the opposing partie, and in all the sessions off parliament, since the queen came to the throne, hes given pregnant proofis therof by opposing most forwardlie all her measures and managers. Butt I need say no more then that thiss affaire is intyrlie the right off the secreraries, and that I hope her majestie will doe vs the justice to order the commission to be delivered up to us. My Lord Loudun hes acknoledged to me that he is ass sensible off thiss as I am, butt that he thinks himselfe under such obligations as he may nott take nottice off itt. Butt I doe assure you I will beare no such treatment att annie subjects hands, and therfor I doe expect the same countenance and justice from her majestie in my office that others have had befor.

315. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—The opposition by some members of the parliament of Scotland.

St. James's, August 9, 1705.

MY LORD,—I had not time before the return of the flying packett to acknowledg the honour of yours of the 1st, which I layd before the queen. Her majesty thinks the commissioner was well advised to make another tryall for a treaty, and also to endeavour the obtaining a cess ; but I confess I am much afraid neither will succeed, for to my apprehension the opposition seems to bee very barefaced. I shall bee glad to find myself mistaken in my conjectures, and in all events continue to bee, my lord, your lordships most obedient humble servant,

GODOLPHIN.

Lord Marquis of Annandale.

316. SIR DAVID NAIRNE to WILLIAM, MARQUIS OF ANNANDALE—Intimating the appointment of the marquis as president of the council. 29th September 1705.

MY LORD,—The commissions which this flying pacquet brings cannot be more surprising to your lordship then the commands to prepaire were to me. They are for your lordships being again president of the councell and the Earle of Marr to be conjunct secretarie of state with the Earle of Loudoun. I beleive your lordship will think the change to your advantage, both for the sake of the truble and expence. I presumed to aske her majesty at signeing the commissions if she had any dislike of your service in the station of secretarie. She was pleased to say very kindly that she had not, but that she feared the misunderstanding between the commissioner and your lordship might obstruct business and occasion divisions amongst her servants, and I dare say she will show what marks of her favour to your lordship that can reasonably be proposed. For my own pairt I am quite disapointed, and have now to begin ane acquen-tance with both the secretaries. Noe change shall alter me from being, my lord, your lordships most humble and obedient servant,

DAVID NAIRNE.

Windsor, 29th September 1705.

Marquis of Annandale.

317. WILLIAM, MARQUIS OF ANNANDALE, to DAVID, THIRD EARL OF LEVEN—In reference to politics and parties in the state. 20th December [1705].¹

The 20 off December.

MY DEARE LORD,—Your kinde and frindlie advice is allwayes verrie acceptable, and for whiche I give you heartie thanks. I have nott been soe often att court, about once a fortnight, whiche I thinke eneugh for one who has been treated as I have been. I doe nott beleive going to court is much minded, nor doe I think respect to the queen consists much in itt. If I had I should have gon more frequentlic, and perhaps shall heerafter since you think soe. I have nott the least thought off going furder abroad att thiss tyme. I will see the complexion off a Scots parliament besor I cross the seas. I have been fullie resolved for Scotland three weeks agoe, butt have been making use of the cold bathe for the lameness off my legg—which indeed is verrie badd. If that doe me no good—butt I fancie itt hes done me alreddie a greatt dale—a fortnight or three weeks longer will finishe thiss experiment, and then I doe assure you I shall make the best off my way to Scotland, soe that some tyme in

¹ Original in the Leven and Melville Charter-chest.

January I shall infalliblie see you there, iff your lordship is nott heare befor, whiche I am apt to beleive. I thank yow, my deare lord, for your caution 'anent the union. Itt hes been allwayes my fixed resolution, for name or nott name, unless I have ass good a title to medle in business as I had. I doe assure your lordship I shall nott as president off the councill, nor shall I (wake as itt is) give my concurrence and assistance to a sett off men who have treated bothe the queens interest and me as they have done, unless I have ass good a share in the government, and upon ass honorable termes as I had formerlie, and in that caise I shall ever act a faithfull and a true part to the queen and my cuntrie, and to the interest I shall ever owne; and when that will nott support me, as I am now, soe I shall then be verrie easie when I am laid asside, for I am a stoick upon that ground, and I have found verrie much the uso and sattisfaction off itt at thiss tyme, that he is a happie man that goes upon principles, and he that walks uprightlie walks surelie. Thiss shall ever be my way, whatever circumstances I may be in, and I doe assure you I am nott courting employmet, nor shall I be uneasie myself, or endeavor to make annie bodie else soe upon that head; and therfor yow may reckon, iff ever I am employed, itt shall be to my own sattisfaction, and nott as our domencering caball are pleased to cutt outt for me. Butt however itt is I shall ever continue, my deare lord, your lordships most faithfull friend and most humble servant,

ANNANDALE.

I must onlie add one word, and that is—lett the governing famalie off Stairs and there adherents, meaning the rest off the clubb, use all there art to dissemble ass much as they please with you, and beare you ass much as you please, a little tyme will shoe them; and the nature off things will prove that you and they are incompatible upon the same interest.

318. SOPHIA, MARCHIONESS OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]—That she had used her influence with her friends on his behalf.¹

Edinburgh, March 16, [1]706.

MY LORD,—Upon your lordships disire I sent for my cussin, Baberton, and wsed all the intrest I had with him to complye with your disire. He is a littel shy, and dos not inclin to meddel; butt yett I hope to prevail with him. I spok also to Mr. William Johnston of Sheens, who said he wold be determined by me. I dout notthing of your lordships and families stedieness to the truw intrest, and hartielie wish wee had manie such; and in annie thing I am capable to serve your lordship, you may relye on, my lord, your most humbel servant and affectionat cussin,

S. ANNANDALE.

¹ Original in the Marchmont Charter-chest.

319. CHARLES, THIRD EARL OF SUNDERLAND, to WILLIAM, MARQUIS OF ANNANDALE—Thanking him for his part in the Scettish elections, and hoping he will be eventually returned.

Whitehall, July the 3d, 1708.

MY LORD,—The part your lordship has acted in this late struggle that has been in Scotland has been so extreamly right to the publick, and so honourable in your lordship, that I must beg leave to return you thanks nott onely in my own name but that of all our friends, whom your lordship may reckon upon as entirely your servants ; and what ever different opinions we may have had in relation to the union itself, I am sure we shall agree in making it as compleat as possible, and as happy to the whole united kingdome. And tho' your lordship is nott return'd one of the sixteen, I don't doubt but upon the protestations we shall do you right by bringing you into the house. I beg leave to congratulate your good sucess in the election of my Lord Johnston. I hope your lordship and the rest of our friends will come up hither as soon as may be, that we may be appris'd of the whole state of this affair in relation to the elections of both lords and commons among you, and of the irregularities committed by the subaltern ministry there and their dependants, which, if made out, as I hope they will be, will effectually rid you of that tyranny. I am allways with great truth and respect, my lord, your lordships most obedient humble servant,

SUNDERLAND.

Marquis of Anandale.

320. WILLIAM, MARQUIS OF ANNANDALE, [probably to CHARLES, THIRD EARL OF SUNDERLAND]—Of his attachment to the union and stedfastness to his principles. [July 1708.] Draft.

MY LORD,—I have the honor off your lordships thiss morning, and a thousand thanks to returne you for your kinde and frindlie letter. I have done no more then what my duetie and inclination prompted me to. If I can serve the interest I have ever wished weell, I have my reward, and whatever circumstauses I am in, your lordship shall ever finde me there. You kno verie weell my principles, and when I have the honor to see you I shall sattisfie you that I have done nothing inconsistent nor contrairee to them, and no man living will make itt more his business to make thiss present union and settlement happie to this nation then I shall doe. When wee were in a seperatt state I wes verie weell sattisfied our hapinesse depended intyrelie upon your lordship and our other friends in conjunction with you, and then you had all my assistance. Now I kno wee have no other resourse, and whatever I am able to doe in thiss part off the .

nation shall be directed that way ; and your lordship will be sattisfied att meetting that neither in measures nor in frindships I have acted the contraire. I hope I may have the honor to see your lordship att London some tyme nixt monthe, and then I shall verie plainlie and frellie disscourse matters with you. I doe nott in the least doubt butt our protestations are legallie founded, and our objections are good, and I doe assure your lordship I shall faithfullie and zealouslie espouse and maintain the true interest off thiss united nation. And when I have the honor to be in the houss off peers, you shall finde me intyrelie and heartilie in your measures. I hope I have verie effectuallie defeatt his grace off Dover, for in his own cuntrie, where his interest and mine lyes, I have made my son for the county, and a friend, for whom I shall answere, for the district of burroughs, soe that his grace hes nott made one member off the fortie five in thiss part. When your lordship shall understand what difficulties wee have had to strugle with, and what art our shamin ministrie have used, you will be sattisfied wee have done our part, and wee will endeavour to make itt ass cleare to you as wee can att meeting ; for never wes there annie thing more gross. I wishe evrie thing weell and happie for the good off thiss kingdom, for the queens interest and government.

321. WILLIAM, MARQUIS OF ANNANDALE, probably to JOHN, DUKE OF NEWCASTLE—
That he continues fast in his principles and friendship, and about the result of
the elections in Scotland. 13th July [1708]. Draft.

MY LORD,—I have given your grace no truble, beeng affrayed off disturbing your greater affaires. Now that you are in the cuntrie, I presume upon thiss freedome, that your goodness and leasure will allow me to acknoledge my sense of the honor you have done me in remembiring me to Sir Robert Murrey with your undeserved frindshipe. I shall ever make itt my businss to be as worthie off thiss hapinesse as I can, and your grace shall ever finde me upon all publick occasions acting the same part and upon the same principles that I have ever owned to you. And whatever may have been my oppinnion off the union in the establishing off itt and the reasons I may have had to differre from some off my frinds, yett I am verie hopefull when I may have the honour to see your grace to sattisfie you that I have nott chainged in a circumstance, and that I am the same as att parting. I kno I am infinitelie obliged to your grace for the justice you have done me upon this head, and I doe assure you, my lord, your grace and all your other frinds shall finde me goe intyrelie in to all your measures for making thiss union a compleatt and lasting happiness for thiss united kingdom. I am nott indeed retturned as one of the sixteen peers, butt I think I am more duellie chosen then severalls who are retturned, for wee have protestations and objections against ten

or twelve off there proxies and voters that wee think heare are absolutelie weell founded in law, and hope will be sustained by the houss off peers. I shall presume to give your grace the truble off sending you a scheme off the wholl election and off all the protestations and objections and the grounds, soe soon as they can be gott reddie, and then you will be able to make your own judgement. My son is chosen for two counties. One of them is where all the Duke off Queensberies estate and interest lycs, and wee carried itt upon him in spite off all the opposition he could give us. And the same way a verie honest man for whom I shall answer to you, hes carried itt for the district off burrowes where he had some interest and made all the opposition he could. In short his grace hes nott been able to make one member in the houss off commons by his interest in thiss nation, tho there never wes such irregular and illegall practices as hes been by his grace and the other pretended ministrie off thiss part off the kingdom. Butt I forbeare troubling your grace with particulars untill I have the honor to see you, whiche I may hope for aboutt the end off next munthe, beeng obliged upon my wifes account to be att the Bathe aboutt that tyme. I beg pardon for thiss truble and that your grace will beleive that I am, with the greatest truthe and respect, my lord, your graces most obedient and most faithfull humble servant,

ANNANDALE.

Edinburgh, the 13th off July.

322. WILLIAM, MARQUIS OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]
—In reference to the election. 15th July [1708].¹

MY LORD,—I have seen a verie distinct and cleare scheme and memoriall off our election done by your lordship. Itt sattisfies me intyrelie, butt wee want the materialls and probative grounds off the wholl. Thiss, I finde, is shifted and putt off from day to day. I wishe your lordship were in toun, and indeed I think itt is absolutelie necessarie. You are one off the persons most immediatlie concerned, and you will be sattisfied when you come that your presence heare is needfull, the sooner the better; for wee must either stirr a little in thiss affaire, or, I finde, itt may cooll heare. I have been endeavouring to doe my part, and shall doe what is in my power in conjunction with you. I finde our frends above are heartie and will push, for I have a verie good letter to that purpose from Earl Sunderland. Manie things may be said that are nott to be woritt. I am, my lord, your lordships most faithfull humble servant,

ANNANDALE.

Edinburgh, the 15th off July.

¹ Original in the Marchmont Charter-chest.

323. WILLIAM, MARQUIS OF ANNANDALE, [probably to SIDNEY, EARL OF GODOLPHIN]

—His political principles, and intended journey of himself and the marchioness to Bath. [July 1708.]

MY LORD,—I have the honor off your lordships, for whiche I retturne my humble thanks. I shall ever thinke myselfe much in the right when I have your lordships aprobation, for your measures in business have been and are what I have ever liked and what I shall always desire to make my rule. Tho wee differed in opinion with relation to the union, yett I hope I shall sattisfie your lordship att meeting wee did nott differre upon the maine as to our revolution and succession principles, and the common interest off thiss present government, and off the united kingdom. And I doe assure you, my lord, there is no man living shall more heartillie and zealouslie concurrie intyrelie with your lordship and your other frinds in all measures that may perpetuatt thiss union and make itt compleatt and happie to the wholl island. That I have nott been returned withoutt annie dispute one off the sixteen proceeds from the extraordinarie pains and endeavours that were used by his grace off Queensberrie and all his shamm ministree to exclude me in particular, and indeed that I could nott take the meane wayes to recommend my selfe that a greatt mannie did. They were pleased to declaire to evrie bodie and upon all occasions that annie off our peers wes more agreeable to them then I could be, and that, providing they wold keep me outt off there list, they had allowance to putt annie other in they pleased ; they have with the greatest freedome made use off the queens name and authorittie, and off the interest off some off her greatt ministers, bothe by threats and promises, to advance there own business and recommend themselves in oposition to evrie bodie else. Whatever advantage they may have made off thiss, I am perswaded such ane intermeddling in the elections bothe off peers and commoners will nott answere either the queens interest or the good off her service. And yett for all thiss his grace off Queensberrie hes nott been able, either in the euntrie or the brughs where his estate lyes, to make one member, for I can answere to your lordship and our other frinds for the honestie off these members, that they are according to your oun heart. My son is fairlie chose for two counties, and wee shall have for either of them such ane other as shall be evrie way agreeable to you. In short, my lord, iff our protestations and objections shall be made good in the houss off peers, whiche wee heare think are all founded upon legall and good grounds, you may saiflie reckon upon the much greater part off our fortie five commoners. I forbearre particullars untill I have the honour to see your lordship, and then I shall give you the best account I can off all our affaires. The condition off my wifes healthe necessarlie obliges her to goe the beginning of next munthe to the Bathe. I shall stay some tyme after her to settle my affaires in thiss

cuntrie, butt shall doe myselfe the honour in my way to the Bathe to waitt on your lordship and our other friends att London, towards the end of Agust, to recieve your commands ; for I assure your lordship I am, with the greatest sincerittie and respect, my lord, your lordships most obedient and most faithfull humble servant,

ANNANDALE.

324. WILLIAM, MARQUIS OF ANNANDALE, to QUEEN ANNE—About the state of parties in Scotland. c. 1708-1711. Draft.

MADAM,—I hope these gentlemen who had your majesties commands to manadge the last elections in Scotland, have done me and the other Scotts peers the justice to lett your majestie know with what cheerfullness wee went into these measurs which they layed down, and I hope your majestic hes found us all very unanimous in these motions which have been made in parliament by your servants. For my own part, I am fully resolved to concurr in every thing that shall tend to the support of your majesties honor and authority.

Att the same tyme I think my selfe in duety bound to take notice to your majestie that wee are under two severall discouragments. One is to find so extraordinary reservedness in some of these who manadge your affairs ; the other is, that these who opposed your servants att the late elections are still possest of all the marks of your majesties favor.

As to the first, madam, I have alwayes been of opinion that a great deal of deference ought to be payed to those who are intrusted by the soverain, and a due measur of secrecy in the conduct of publick affairs is both proper and necessary. But this, too, has its bounds, madam, and some circumstances which appeared in the manadgment of the late motions and debates in parliament give ground to think that some people have been too reserved in their concerts, especially with regard to these gentlemen who were to bear a good share in the debate.

As to the other point, madam, I think its every mans duety to serve his soverain without waiting a reward, and for my own part the many discouragements I have mett with shall not slacken myn. But, your majestie, please consider, wee who entered into a concert to elect non but such as should declare their resolutions to support your majesties authority and prerogative, had a strong party to deal with, and after wee had, as wee thought, entirely fixt our concert, wee were surpryzed by a difficulty throwen in our way by a letter from Duke Q[ueensberry], who very eagerly attempted to have Earl Glasgow, Levin, and some others putt upon us.

How farr Duke Q[ueensberry] had your majesties directions for so doing, your

majestie best knowes ; but that letter, with some other difficultys from Earl Seafeild and the Earl Stairs family, went very near to break these measurs layed down by your majesties servants, and to give advantage to a party in Scotland which had all along followed the measures of some gentlemen here in England who are now under your majesties displeasur.

These very gentlemen, who gave us that disturbance att our elections are in a manner the only Scotts men in possession of your majesties favors, and this, madam, in my humble opinion, cannot faile of beeing a very great discouragement to these who with a design to support your majesties authority have taken upon them the prejudice of that whole party att home, and have putt themselves to the charge of attending the parliament here.

Wee are told indeed of a prudentiall consideration for delaying any alterations which may be intended, that the malversations of some offices and boards here are to be exposed to make way for these alterations.

This indeed carryes a great deal of reason along with it. But, first, I begg leave to take notice to your majestie that this prudentiall does not reach any alterations in Scotland. The conduct of these gentlemen I have spoke of does arise from their principles and from their practices in concert with the former administration, and att the late elections, which cannot be further exposed in publick, but they are so farr knownen to every body in Scotland that their continuall in possession of your majesties favors is no small check to all these who wish well to your majesties prerogative, and who concurred cheerfully to gett a well disposed representative from these parts.

Besyds, a great many people pretend to observe that some men not long ago, under the pretext of secrecy in councells and a prudentiall trimming in the disposall of imployments, had ingrossed to themselves the absolute conduct of affairs and the entire disposall of places, rather with a view to their own privat interest than that of the publick, and some people stick not to say that other men may perhaps follow the same course.

I begg your majeſtie may pardon this freedom. I doe not pretend to give this as my own opinion, but it is no secret that a very numerous and a very substantiall part of the present parliament have joyned themselves into a clubb upon this very ground of jealousy, and I looke upon it as my duety to lett your majesty know of it, and I wish it may not have badd effects in divyding honest men.

325. CHARLES, DUKE OF SHREWSBURY, to WILLIAM, MARQUIS OF ANNANDALE—
About his instructions as commissioner to the general assembly. [April 1711.]

Wensday night.

MY LORD,—Her majesty having acquainted me this evening that she has given orders for the preparing your lordships instructions, I should be glad you would allow me to wait on you to morrow morning before ten. If I hear nothing to the contrary I shall conclude that hour is not inconvenient to you, and be at your house at that time.
—I am, my lord, your lordships most obedient humble servant,

SHREWSBURY.

326. THE SAME to THE SAME—That the queen has the gout, and cannot
see him at present.

Thursday.

MY LORD,—The queen being at present in some uneasiness with the gout in her elbow and foot, is not much disposed to hearken to busyness till she is out of paine ; therefore comanded me to acquaint your lordship that she could not conveniently see you till Monday in the evening.—I am, my lord, your lordships most obedient humble servant,

SHREWSBURY.

327. THE SAME to THE SAME—About the allowance of the marquis as commissioner.

Fryday.

MY LORD,—I am now going to the Cockpit, where I shall remind the Duke of Queensberry of your papers. I shall see Mr. Harley this afternoon, and will put him in mind of your allowance as commisioner. It is in his province, and I doubt not but he will give your lordship satisfaction in that point. This is so very busy a day that I must begg your excuse if I am able to name no hour, but shall at all other times be ready to attend you.—I am, your obedient servant,

SHREWSBURY.

328. WILLIAM, MARQUIS OF ANNANDALE, to QUEEN ANNE—Desiring some mark of
her favour on his appointment as commissioner to the general assembly.
[April 1711.] Draft.

MADAM,—Your majesty is pleased to honor me with your royll commands of going
your commisioner to the general assembly in Scotland.

Madam, there are severall circumstances concurring att this tyme to perswade me
to avoyd this affair, but I have allwayes entertained that duetyfull regard to your

majesties royall person and authority, that I am resolved never to dispute your commands, and therefore I own myselfe ready to obey your orders in this matter.

I shall only begg your majestic will allow me to lay before you some circumstancies in this affair, which may in some measure regaird your majesties interest.

There are not wanting some people who pretend to amuse the world with frightfull stories of resentment and danger from the presbyterians in Scotland. I beleieve, madam, I know the strenth and complexion of the presbyterians as well as other men, and I am non of these who are possest with such affected prudentiall fears. I can observe nothing in the course of your majesties administration of late which can give any just ground of jealousy or offence to these people ; and so long as publick measurs are kept within the compass of law and justice, if any sett of people, be who they will, shall forme jealousies to themselves, and shall promote resentment upon such false grounds, your majestie may be in no fear ; you will not want freinds to support your administration, and these mistaken jealousies will rebound upon the authors.

This, madam, is my opinion with respect to the state of the presbyterians att present, but att the same tyme I begg leave to think it is your majesties interest to fortifye your own authority in the person of your commissioner to that assembly, by some such mark of your royall favor to him as may encourage your freinds there, specially if I am to have that honor, who, since I had the misfortune to be layed asyde from your majesties service, have never yet had any mark of your royall countenance.

I shall not here take up your majesties tyme to tell you that I have ever done what in my weak judgement I thought was most for your majesties interest. I hope your majesties servants who manadged the late elections will doe me the justice to lett your majestie know how thorowly I went, without reserve or capitulation for my selfe, into these measurs layed down by them, and how farr I was instrumentall in prepareing people for that end.

What I here mean is only to insinuat to your majestie how farr it may be expedient for your own service that your commissioners authority be fortified by your countenance. And I doe this the rather that severalls of my countrey men are now actually possessing marks of your majesties favor, who at this last period openly opposed your measurs, and may perhaps doe so still under the skreen of your majesties favor.

I shall allwayes carry that deference to my soverains administration to think that tymes and seasons of making alterations or any other publick measurs are not to be pryed into, but it is a maxim which will allwayes prevail, that men who have the favor and countenance of a government will gett more credit than these who have not.

These things I humbly offer to your majesties consideration, and am ready to take your majesties commands in this affair, in what manner your majestie shall think fitt.

329. ROBERT HARLEY, Secretary of State, to WILLIAM, MARQUIS OF ANNANDALE—
Acknowledging receipt of his letter, and that he had presented it and the assembly's answer to the queen.

Kensington, May 17, 1711.

MY LORD,—I have the favor of your graces letter, and have had the honor to lay that and the enclos'd copy of the general assembly's answer before the queen. Her majestic is very wel pleaseid with al that has hapned yet, and these two steps already taken, I mean their choice of a moderator and their answer to the queens letter, gives hopes of their acting for the whole time with prudence and temper. Your grace has given so great an earnest already of your conduct, that the queen justly promises herself a happy conclusion. I am very sorry you have met with so little assistance from those whose duty obliged them to act otherways, but this is no more than you expected, and renders your lordships merit more conspicuous. I hope it wil convince everybody of the necessity of a change.

As to the appointments for the moderator, I take it to be upon the establishment, but be that as it wil, care shal be taken to have it satisfied forthwith. I find the country air agrees with me, so that I begin to recover strength, that I shal be able very quickly to trouble you with a longer letter. I beseech you to accept the assurance that I am, with the greatest respect, my lord, your graces most humble and most obedient servant,

Ro. HARLEY.

330. CHARLES, DUKE OF SHREWSBURY, to WILLIAM, MARQUIS OF ANNANDALE—
Congratulating him on the work of the assembly.

May 22, 1711.

MY LORD,—I heartily congratulate with you that you have had so good a begining in the assembly, and make no doubt that by your graces prudent conduct and your personal interest with them, the conclusion will answer the begining. You may be assured, my lord, that this service will be very agreeable to her majesty, and that your friends here will not loose the opportunity of representing it to her as it deserves. I have lately talked with Mr. Harley, and find him very sincerely your friend. As to my own particular, I am able to contribute little, but all in my power shall at all times be done by me to assure you that I am most faithfully, my lord, your graces obedient humble servant,

SHREWSBURY.

To his grace the Marquiss of Anandale, her majestys commissioner to the general assembly at Edinburgh.

331. JAMES, SECOND DUKE of QUEENSEERRY, to the REV. WILLIAM CARSTARES,
Moderator of the General Assembly—That the queen is pleased with the
answer from the general assembly to her message. Copy.

Whitehall, May 22, 1711.

REVEREND SIR,—I receivd your letter of the 12 instant with an inclos'd answer from the generall assembly to what the queen had been pleas'd to write to them. I have done my self the honour to lay it before her majesty, who had the goodness to receive the repeated assurances which, upon this occasion, the assembly gave of their duty and loyalty, very graciously, and her majesty has commanded me to let you know that she is resolv'd to continue her royal favour and protection to the church of Scotland now by law established. As the queen does not doubt but that they do firmly rely on the frequent promises of this kind she has formerly been pleased to make them, so they can give no better mark of their entire confidence in her majesty than by continuing that good conduct and behaviour which they have so dutifuly made profession of in their letter. The moderation and unanimity with which they have hitherto proceeded have been very acceptable to the queen, but nothing has been more particularly well pleasing to her majesty than the zeal they have shewn for the protestant succession in the house of Hannover, as well by what is contain'd in their letter itself as by the care they have taken that the Princess Sophia shall be pray'd for by all the ministers and in all the congregations of that part of Great Britain.

For myself, I hope there is no need of renewing the assurances I have formerly given, of contributing by any services that may ly within my power to the security and quiet of the church of Scotland. Nor do I need in particular to acquaint you with the personall esteem I have always had for you, your merit and capacity have been so long known to me that I coud not but be extreamly glad to hear of the prudent choice the assembly had made of their moderator. I hope you will have the satisfaction to see this session ended with the same calmness with which it was begun, since I am sure nothing can contribute more to the service of the queen and the preservation of the church itself than good temper and moderation.—I am, with great sincerity, sir, your most humble servant,

QUEENSBERRY.

Indorsed : Copy of the Duke of Queensberry's letter to the moderator of the generall assembly.

332. WILLIAM, MARQUIS OF ANNANDALE, to QUEEN ANNE—On the proceedings and dissolution of the general assembly. [28th May 1711.] Draft.

MAY itt please your majesty,—I had the honour, aboutt ten dayes agoe, to send your majesty a letter from your generall assembly ; I hope itt wes pleasing and satisfieng. I am now to lett your majesty kno that thiss day the assemblie were dissolved, and parted with the greatest sattisfaction imaginable, and expressed all the duetie, loyaltie and affection that could be expected from the best off subiects. And, madam, I may assure you all there preeedings have been off the same nature ; for in theire committees and in plain assemblie, all there debaits and determinations have been managed with the greatest respect and regard to your prerogative and royall authoritie ; and upon the wholl, the progresse off all theire affars hes been directed with great calmness and moderation, and I am confident, madam, they are gon to theire severall charges with greatt confidence in your majesty, and with fixed purposes to exhort and confirme the people in a faithfull and firme loyaltie and adherence to your majesties royall person and government. If what I have done att thiss tyme in your majesties service shall be aproven and acceptable to you, I have the greatest honour and sattisfaction, for I shall never have anie other veue butt your majesties true interest, and the honour and saiftie off your government, and to serve your majesty in evrie thing acording to your own commands and inclinations shall be the faithfull and constant endeavour off, may itt please your majesty, your majesties most obedient and most humble and most dutifull subject and servant,

ANNANDALE.

333. WILLIAM, MARQUIS OF ANNANDALE, to ROBERT HARLEY, Secretary of State—
As to the proceedings of the assembly and affairs in the northern presbyteries.
28th and 29th May 1711. Draft.

SIR,—In the first place, I beg leave you'll receave my humble thanks for the favour of yours, and that you wer pleased to lay mine and the copy of the assemblies letter befor her majestie, and nothing could be mor satisfieing to me than to knou from you that her majestie was pleased with any part of my conduct. I judged it for her majesties service to let the assembly know befor they parted, from what yow wrot to me, that her majestic was pleased with ther letter. This I know was incouradgeing to them to a great degree, and it may perhaps be only for that reasoun that the Duke of Queensberrie hes not given himself the troble so much as to take notice to me that he receaved a packet from me, or any thing in this matter, either from himself or by his order ; nor do I know yet to this minutte whither he hes delyvred the assemblies

letter to the queen, or mine that I sent inclosed to him, and wrot a letter apart to himself. For myself I do not complain, but I am sorry the queens service is so treated, for it was never known befor, but that befor the parting of the assembly, the commissioner had ane acknowledgement from the queen herselfe, or from the seeretarye, and for the most part from both, that the queen had receaved the letter, and her satisfactione therwith, and new assurances of the continuance of her countenance and protecione. I make no remarks on this, but tells yow matter of fact.

And now, sir, I beleive it will be satisfieing to yow that I can give yow ane account that this day, about one of the clock, I put ane end to this assemblie, and I think I may assure you that never any assembly parted with greater satisfactione and mor intire trust and confidence in her majestie and her ministrie than this have. And I can upon verry good grounds assert that in all former assemblies ther hes not been observed mor, nay, if I say so much, unanimitie, temper and moderatione in all ther proceedings to the satisfactione of all concerned, and probablie to the surprize of some, who hoped for other things from them. They have in all ther proceedings given verry plain proofis of ther duettie, affection and zeall for her majesties royall person, authoritie and government, and avoydded most dutifullly the least appearances of distrust or jealousie by forbearing fasts, addresses or representationes, or the least surmise of any jealousie upon the account of changes or alterationes that have been made any manner of way. In short, they are gone home with fixed resolutiones to exert ther dutie to the full from ther pulpitts for the support of her majestie, her government, and royall authorittie. Thus I think all fears and jealcussies that wer industriously dispersed amongst them, are for this tyme intyerly carried off, and I must say the prudent manadgement and conduct of the moderator hes influenced and directed the wholl course of ther affaires, and as he hes given the greatest proof of his sufficiencie and moderatione, so he hes of his dutie and affectione to her majestie and government.

The only appearance or warmth come from my lord advocat, who pressed a matter that was purely civill and was the concern of the Duke of Q[ueensberry] in upon the committees and in plain assemblie, and had it not been stopped, wold have had consequences that might have made our parting uneasie, and I am sure wold have been verry prejudiciale to her majesties service. I shall not say this was desinged, but it had no good aspect.

I beg leave to recommend to you, sir, the affair of Aberdain ; you have a letter from the minister of that place annent this matter. He deserves encouradgement. He is a verry sufficient man, and capable of being usefull to her majestie and her servants here. The ministers in the northern parts have meet with verry illegall and unaccountable discouradgements in the planting of vacant churches of late, and it makes them so uneasie,

that I had great difficultie to prevent representationes from the assemblie upon such heads, which I know wold not have done so weell; for if they had begun to represent upon anie head, I know not whair they might have ended. To prevent this in tyme comeing, I think they ought to have the protectione of the lawes, as they may have accesse, to plant vaceant churches in a legall manner. I beg pardon that I should be oblidged to give you so much troble. I am sure yow have the goodness to forgive, since I have no other project but the service of the queen, and this part of the unittid kingdome; and I am confidant it will not only tend much to the interest of her majesties service here, but be for the peace and quiet of her government over the wholl, that a good understanding be preserved and maintained with the established church of Scotland, and I am verry hopefull that a litle discreet and good manadgement may prevent any interfeirring betuixt them and ther neigbouring church of England. The best appologie I can make for all this matter to yow is [to] end this troublesome letter, and only give me leave to beg that you'll let me have a share of that justice, which is your nature, temper and inclinatione to dispense to all. That you'll beleive I sincarly and singly desinge in all my actings the queens true service and interest, and the honor and peace of her government, and in every thing I shall esteem it my great happines to have your measures, and they shall be ever most punctually observed by, sir,

P.S.—It is now Thursday the 29t, at ten of the clock, the day after the assemblie is parted, and I have just now receaved, by the ordinary post, a verry superficiall letter from his grace the Duke of Q[ueensberry] takeing notice that he had receaved the assemblies letter, and laid it befor the queen, and tells me that by the nixt post he will wryt by the queens command to the moderator, so that what he wryts to me is only from himself, not at all by command nor in her majesties name; but however it is, it comes now to late.

Headed : Copy of a letter to Mr. Harley, May 29t, 1711.

334. ROBERT HARLEY, FIRST EARL OF OXFORD, to [WILLIAM MARQUIS OF ANNANDALE]—His satisfaction with the conduct of the marquis at the assembly.

July 24, 1711.

MY LORD,—I did hope to have had an opportunity before this of writing to your lordship on a public account, as wel to advise with you on northerne affairs as to mention the queens pleasure; but some other affairs abroad have hitherto taken up the queens thoughts. But next week I do not doubt but to write at large to your lordship.

I cannot too often congratulate you and applaud your conduct in the whole affair

of the assembly, and I beseech your lordship to be assurd that no one has a greater value for your merit than myself, for I am with great sincerity and respect, my lord, your lordships most humble and most obedient servant,

OXFORD.

335. THE SAME TO THE SAME—Sending a commission for the marquis as chamberlain and chief commissioner on trade.

November 20, 1711.

MY LORD,—A long and painful dystemper not only confind me to my chamber, but disabled me from writing or doing the least business, which I mention that it may excuse me to your lordship that you have not oftner been troubled with my letters. I do assure you no servant you have more truly honors your merit than myself, and when I have the honor to see you I hope to give you proofs of it. There are some things which relate to Scotland which I do not care to mention in writing, but I hope they wil tend to shame those who oppose the queens measures, and to the satisfaction of such as wish wel to the queen and the protestant religion.

Heerwith by a flying packet is sent a commission for the chamberlain and for trade. The queen has put your lordship at the head of it. If I had been wel I had consulted your lordship upon it beforchaud. I hope you wil like so great a trust and also your associates. You may be sure nothing in my power shal be wanting to make you easy. As to your appointment I shal have the honor to speak to you on that subject when I see your lordship, which I hope wil be now with speed, and that your lordship wil begin your journey as soon as the commissiou is passd. The commission is very finely drawn and wel worded. I will not end this letter without telling your lordship that this day the notifications are sent from the queen and the states to all the princes and states that they send their plenipotentiarys to Utrecht by January 1 at the furthest. I wil add no more, but the assurance, that I am with the greatest respect, my lord, your lordships most humble and most obedient servant,

OXFORD.

The commission for the secretary and the committee could not be got ready til next post.

336. WILLIAM, MARQUIS OF ANNANDALE, to [ROBERT HARLEY, FIRST EARL OF OXFORD]—Declining the appointment of chamberlain and chief commissioner of trade. [c. 25th November 1711.] Draft.

MY LORD,—I have the honor off yours, and am mightie sorrie to heare you have been

under annie pain and indasposition. I hope itt is now all over, and that thiss shall finde you perfitelie weal. I am sure I wish you with the greatest sinceritie all hapinesse and satisfaction.

I am heartilie sorrie, my lord, that I must acquaint you by thiss that I cannott complye with her majesties commands to serve in thiss commission. The businesse off traide and chamberlane is what I kno nothing off, and I can never engage in annie part off the queens service where I am soe little capable to serve, else I should not act soe faithfull a paire as I ever designe to doe, both to her majestic and your lordship.

My lord, I humblie beg your lordship will nott onlie accept my excuse, but that youl doe me the justice with her majesty to satisfie her that nothing butt my being utterlie incapable off beeing usefull or significant in thiss part off her service makes me decline thiss present occasion. I had the misfortune the verie yeare befor the union to be soe summarlie turned outt from beeing secretarie for Scotland, and off beeing ill used by the laitt ministric, that I wes putt under a necessittie off refusing to accept off the president off councils post, becaus then I could nott be serviceable, and therfore I must beg leave to say that unless the queen have commands for me in some settled and fixed post in her service, I cannott see how I can propose to be usefull to her interest and service.

I confesse, my lord, I have pleased myselfe with the expectations off thiss for some tyme, and I thought I had verie just grounds to doe soe, butt however itt shall be, I hope your lordship will doe me the justice to beleive that there is not annie subject hes more honor for all the parts of her majestys service, and sincerelie designs faithfullie to support the interest off her government and present administration then I shall ewer doe. I wishe, with all my heart, a happie and successfull conclusion to the peace, and as no man living can be more sattisfied then I am that all your undertakings are for the true and solid hapinesse off the support off her majesticie and government, soe I doe most sincerelie wish, and as I may have accesse and opurtunitie, will ever contribute my poor endeavours to a comfortable and satisfactorie issue off all off them.

I am sensible I give your lordship too much truble and am verie loath to be uneasie, where I kno I owe soe much honor and service, and therfor shall onlie add that iff itt is my misfortune to be misrepresented upon thiss occasion, either to the queen or your lordship, I am the most injured man imaginable, for itt is nott possible for me to have annie other thought then off beeing true and faithfull to what I have said bothe to her majesticie and your lordship, whiche shall ever be confirmed by all the proofis and evidences that are in the power off.

337. J. ROBETHON, at the Court of Hanover, to WILLIAM, MARQUIS OF ANNANDALE
—Not to come to Hanover, as the court is removing to Göhre.

Hannover, le 3 Aoust 1714.

MY LORD,—Mr. Shelleross m'a rendu la lettre dont vous m'avez honoré. Je ne manqueray pas de lui rendre tous les services qui dependront de moy. Il vit hier Madame la Princesse Electoralle, qui le chargea de vous faire bien de compliments de sa part. Monseigneur le Prince m'en a chargé aussy, et Monseigneur l'Eelecteur ne manquera pas d'en faire autant. Des que j'auray eu l'honneur de lui faire rapport du contenu de vostre lettre. Ils vous sont tous fort obligez, my lord, du zèle que vous continuiez a temoigner pour leurs interets.

Au reste, il ne me paroist pas que vostre voyage à Hannover pust estre à present d'aucune utilité. Vous trouveriez tout fort changé iey depuis la mort de Madame l'Eelectrice, et nostre coar n'a plus les mesmes agrements. D'ailleurs Monseigneur l'Eelecteur, le Prince, la Princesse, et le Due Ernest iront à la fin de Septembre passer 2 a 3 mois au Göhre, maison de chasse a 15 mille d'Allemagne d'icy, *where no strangers are admitted*; et pendant l'absence de la cour *Hannover is the dullest place in the world*.

Pour ce qui est des affaires d'Angleterre, il ne s'agit plus d'y envoyer nostre Prince, la reyne s'y estant si vivement opposée par les lettres qu'elle a ecrites à leurs Altesses. Ainsy tout est *att a stop* à cet egard, et jusqu'à la prochaine session du parlement, toutes ces affaires là reposeront. Nous avons iey my lord Clarendon. Il aura demain ses audiences. Le Roy de Prusse a été iey 3 jours. Il en est party ce matin pour Berlin. Je suis avec beaucoup de respect, my lord, vostre tres humble et tres obeissant serviteur,

J. ROBETHON.

I dare not write more att large for fear of my letter being opened or intercepted.

338. ADDRESS by the PEERS OF SCOTLAND to KING GEORGE THE FIRST, in reference to the deprivation of their hereditary parliamentary privileges. 15th November 1714. Copy.

MAY it please your majesty,—We, your majestys most dutifull and loyall subjects, peers of Scotland, think it our duty, in all humility, to lay our case before your majesty.

This unhappy but indispensable necessity arises from our being declared incapable of patents of honour, with right to sit and vote in your parliaments.

They have, during many ages, enjoyed an hereditary share of the legislature, and

signalized themselves in the service of the crown. They are now distinguished from all your majestys subjects by a disability to partake of the influence of your reyall prerogative.

We presume in all humility to offer to your royll consideration the opinion of the peers of Scotland as particularly and fully laid before her late majesty in two severall representations soon after that resolution so fatall to them was made.

We humbly hope while your majesty, with the acclamations of your people, the joy of your allies, and the amazement and confusion of your enemies, gives real peace to your faithfull subjects, and compells even those enemies to be happy, that the peers of Scotland shall not be alone unfortunate, that they whose families have with zeal and success devoted themselves to the service of your royll ancestors, and who will alwayes endeavour by their fidelity to merit your majestys favour, shall not now be fated to drag doun to all posterity an hereditary penall incapacitating peerage.

We do in all duty submit our selves to your majestys great wisdom and justice. (*Sic subscriptitur*), ATHOLL, MONTROSE, RONBURGH, ANNANDALE, LOTHIAN, MARISHALL, MAR, SUTHERLAND, ROTHES, BUCHAN, HADINGTON, LOUDOUN, WEMYSS, FINLATER & SEAFIELD, LAUDERDAL, SELKIRK, LEVEN, FORFAR, DUNDONALD, ORKNEY, DUMBARTAN, DUNMORE, STAIR, DELORRAINE, PORTMORE, ILAY, KILSYTH, NEWHAVEN, OLIPHANT, JEDBURGH, BEILHAVEN, BELLENDEN, FORRESTER.

To which his majesty returned the following answere :—

I find you are so sensibly affected with the case which you represent to me that I shall be glad to doe every thing in my power that is reasonable to give satisfaction to so considerable a part of my subjects.

Presented to his majesty, November 15th, 1714, by the Duke of Montrose, Duke of Roxburgh, Earl of Mar, and Earl of Ilay.

339. ROBERT CORBETT, provost of Dumfries, to WILLIAM, MARQUIS OF ANNANDALE—Of the design of the insurgents against the town of Dumfries, and detention of Lord Lovat. 12th October 1715. Copy.

MY LORD,—The bearer, Bailie Corrie, is sent from this place to attend upon yowr lordship and to acquaint yow that by ane express we had yesterday from my lord justice-clerk he certainly informs us that a considerable number of dissaffected persons, both on the Scots and English borders, were to have mett, Munday last, in the west of Teviotdale, and then if they receaved no contrair orders from their own faction yester-

day they were there to display the pretenders standart under the command of the Viscount of Kenmuir, and one of their main designs is to seise this brugh. Upon receipt of this letter we were obliged to dispatch expresses through the country for aid to us, and accordingly most of the well-affected Galloway gentlemen and severall people out of the adjacent parishes of Tinwall, Torthorwald and Kirkmaho have come in here, both horse and foot, to give us what assistance they can.

And understanding your lordship hes a general randivouz of the haill fenceble men of this shire at Locherbriggs we thought fitt to acquaint your lordship therewith, both intreating yow may, as shall seem fitt to yow, order us such assistance as may possibly prevent this threatned attempt, and that your lordship may hold owr brugh excused at this time for owr not appearance at Locherbriggs.

There is likewise come with the bearer one Mr. Frazer, who calls himself brother to the Lord Lovit, who, with his said brother, ane aged man of about 60 years, and about six servants, come to this place yesternight. Whem being challenged to give account of themselves, Mr. Frazer produced a pass said to be from Secretary Stanhope. But his brother producing no pass, by the advice of the deputy lieutenants of Galloway, who are here, we have caused sett a sentury upon them till we hear your lordships orders amment them.—I am, with my most humble duty, my lord, your lordships most most obliged most humble servant,

ROBT. CORBETT.

Drumfries, 12 October 1715.

340. [WILLIAM, MARQUIS OF ANNANDALE,] to BRIGADIER-GENERAL THOMAS STANWIX—Informing him as to the movements of the rebels, and asking for arms and ammunition. 14th October 1715. Draft.

SIR,—Having the honour to bear his majestys commissione as lord lieutenant of this and some adjacent counties I judged it necessar to comans and keep up a corrosspondence with yow; and in order thereto have sent this express to informe yow that a pairtie of rebels, headed by the Earles of Nithsdale, Wintone, Carnwath, the Viscount of Kenmure, and severall other noblemen and gentlemen, to the number of 200 horse well mounted, have gott togither about this place. Their first attempt was to have seised me in my journey to this place; but that being providentiallie prevented, they have since keepeed togither and are encreasing, and designed to have attacked this towne of Dumfreis, made ane appearance yesterday within a mile of it. The countrey people come prettie well in to our assistance, but they want armes, ammunition and officers very much, quhich if yow could furnish us with in any measure it wold be a peece of very good service to the government. Sir, it is now the time for honest men to

evidence their zeall and affectione to the king and their countreys interest by doing all in their power to crush and dissappoint this growing rebellione ; and it seems very needfull that a good intelligence should be mantained betwixt yow and this place. Be pleased to give me what informatione yow can of matters about yow. The rebels heir are much encuraged from the expectatione they have of a considerable number to joyne them, both from the borders of England and Scotland. I hope yow will from time to time communicat what good informatione yow have, and what occurs her shall by duly notified to yow by, sir, your very humble servant.

Dumfreis, October 14, 1715.

Indorsed : Double letter to Brigadier-general Stanwix.

341. BRIGADIER-GENERAL THOMAS STANWIX to WILLIAM, MARQUIS OF ANNANDALE
—The state of the rebels upon the borders, the capture and recapture of Holy Island, and reported collapse of the rebellion.

Carlisle the 14th October 1715, at nine a klock at night.

MY LORD,—I have the honour of yours, and am sory to find the rebels are so troublesome to you. I fancie the greatest part of them are out of Northumberland, for none of our county have as yet stir'd from home, and I hope they will continue stedy.

If I had known sooner with any certainty where to have writt to your lordship I should have been beforehand with you in offerring my humble service, and you may assure yourself of all I can at any time doe to support you and your friends in the kings intrest against the rebels.

I had a certain accompt this day that they are not above 400 in Northumberland which goe by the name of Darwentwater or Witheringtons men. They had a designe upon Newcastle, but are dissapointed. I had this evening a letter from the mayor of that town, who tell's me Sir Charles Hothom's regiment of foot is come there and a regiment of dragoons, so they are very strong, which I am glad of, because they were pretty much exposed, being but an opne town and not well affected. As for this place, no people ever were more hearty nor more honest, and the garrison very much improved. As to the fortification, we are in a very good posture to receive them if they come this way. All we want is dragoons (to keep the Boarders in ordre), which I expect every moment, and then they shall hear of them. I am glad so many of your friends comes in to your lordship. I hope they will disscourage those traitors to their king and country from giving your lordship any great trouble, and your lordship may assure yourself of any assistance can be expected from me. I have, since I began to

write, an express from Berwick giving me an accompt that a master of a ship had come directly from France, and with his ships crew surprized Holly Ileand, where there was a great store of ammunition and a good round number of arm's. The master of the ship immeadiatly made his signal's for the rebel's to come to him, but they were march'd from that part, and they perceiving it from Berwick did immeadiatly march with 100 men and retook the ileand, town and castle. The master of the ship in dispair threw himself into the sea and was also shott, but yet taken up alive, and 'tis believed would live. All this your lordship may depend upon, for I have it from Captain Philips, the engineer now at Berwick, who commanded the 100 men.

They tell me from Newcastle in some letters that the rebel's ar in a most deplorable condition, seing themselvs so mizerabley dissappointed in the numbers they had expected. They say them selves they know not where to goe or what to doe, and I believe if the truth was known they are allready broak, and I fancie the seven score your lordship mention's who have appear'd near Dumfrize have been with Darwent and Witherington.

The letters I have from Newcastle say allso that there came letter's last night from Edenbrough giving an account that the chief's of the rebell clan's had been seen to weep and declare themself's mizerable men.

I suppose these things all proceed from account's they must have by this time of all their intrigues over all England being discovered. Sir William Wyndham having surrendered himself, and the Duke of Ormond giving the wholl affair over and being gon back to Paris. I have been very teadious, my lord, but it proceeded from the desire I have of shewing your lordship how much I am, your most obedient and most humble servant,

THO. STANWIX.

To the right honourable the Marquis of Annandale, at Dumfrize.

342. W. MAXWELL, Glasgow, to [WILLIAM, MARQUIS OF ANNANDALE]—Intelligence about the rebels. 15th October 1715.

MY LORD,—The accounts from Drumfreis by ane express this afternoon of your lordship's safety and of the safety of that towm has given the greatest satisfaction to this city. Uee uere in great pain for your lordship and that place, being informed, Thursday night, from the captain of dragoons quho was sent to Biggar, and quho came short of the rebels only tuo hours, that your lordship had been surprysed by them. Wee understand by ane express from Inverlochy last night that Glengary, Appin, and Locheel are marcht uith their men, but whether to joyn the Earl of Marr or to march this uay is not knoun. Sir Donald McDonald and the Captain of Clunronald joyned

Marr some dayes agoe, Borlum McIntosh uith about 1500 foot crossing in the night tyme to Lothian and possessing themselves of Hadingtone. The Duke of Argyll uith 350 dragons, 150 foot mounted uith horses, and about 60 nobility and gentry, is marcht to joyn the Marquis of Tueddale and Lord Polwart and the volunteers of Edinburgh to attack them, and this city has sent express to knou the result of that design. Generall Whitham and Generall Wightman are left at Stirling. Wightmans regiment is landed at Salteoats and Greenock ; Evans regiment is expected every day.

All care is taken to preserve this place from ane insult, and if any detachment of the enemy march this way so as uee be advertist of their coming, quihich uee think cannot fail by the correspondance establisht, uee will endeavour to meet them. If their main body should march, the duke wold also march and attack them, and for that end the highuayes are repairet by his graces order so as canon may pass, and a bridge of timber nou a building over the Lagie uater at Carntalloch. I am afraid that thos quho have passt into Lothean are marcht southward, so your lordship wold be on your guard.

The Earle of Loudon uas mightily pleasest to see the provist of Drumfreis letter, and desirt me to give his service to your lordship, and to shou your lordship that your fellow travailers are ueel. If anything of moment occurs in this bounds I shall acquaint your lordship as occasion offerrs ; and I judge it wold be fitt that the magistrats of Drumfreis keep a correspondence with the magistrats of this city. I am ever, uith all submission, my lord, your lordships most oblidged and most humble servant,

W. MAXUELL.

Just nou uee understand that the enemy has marcht from Hadingtoun and possest themselves of Leith.

Glasgow, 15th October 1715.

343. WILLIAM, MARQUIS OF ANNANDALE, to BRIGADIER-GENERAL STANWIX—That some of the rebels have marched to Ecclefechan. 16th October 1715. Draft.

SIR,—The answer yow favoured me with by the express was most acceptable, and the account yow are pleased to give of the state of affairs with yow does much refresh me, for if matters be so right with yow as yow apprehend, our rebels heir both in the north and south will soon be broken in peeces. The partie that appeared heir of whom I wrote, are encreased by some joyning them in their march, which was from Lochmaben to Ecclesfechen on Fryday and this day to your borders. What they expect there God knows. They are non of the Northumberland rebels, as yow conjecture, but our owne people about this countrey. Not only this small partie seem to be full of expectatione

of some extraordinar appearance in England, but likewayes the rebels on the other side of Forth (of which I have just now ane account) have gott 1000 Highlanders sent over to the south side, and have possest themselves of Hadington in East Lothian, which its thought they wold not have done if they had not some certainty of a powerfull assistance from England. There are some troops of dragoons marched from Stirling and some militia getting togither to oppose them, so that if they be not supported by a riseing in Englad we shall be in no hazard. What accounts I shall have that may be off use to yow I shall take caire to transmitt, and shall doe evrie thing that may entertain a good correspondence or be usefull to the king and cuntries service,—I am, sir, your most humble servant,

ANNANDALE.

Dumfreece, Sunday night, 16.

Indorsed : Double letter to Brigadier-General Stanwix, 16 October 1715.

344. HENRY, THIRD VISCOUNT OF LONSDALE, to WILLIAM, MARQUIS OF ANNANDALE
—As to the measures to be taken to check the rebels. 16th October [1715].

MY LORD,—I have the honour of your lordship's letter, and shou'd be very glad if it lay in my power to be of any assistance, either to your lordship or his majesties service. We had some time ago an account of this rising, but then we expected that those who were up in Northumberland shou'd have joyned with them and then have attacked Carlisle, but not having heard lately any confirmation of that design we guessed they had changed their mind. However, the gentlemen of the country have done all that they think necessary for the keeping of the peace in these parts, and really, my lord, as they are generally very well affected, I hope there can be no manner of danger from this country. The militia, both horse and foot, are ordered to be raised. The horse will be dispersed in the borders (which is the only place where there are any disaffected people) to keep every thing quiet there, and not only prevent their risings and meetings, but they will also take up all such people whom we have reason to think disaffected to the government. The papists are already secured in Carlisle.

If the rebels shou'd prove so numerous as to think of attacking Carlisle or overrunning the country, I believe that the gentlemen are so universally well inclined, that if they were double the number they are reported, such an attempt cou'd not succeed. 'Tis true we are very ill armed, but I hope the other party are not much better, and then we shall be upon the level.

If I hear any accounts that are worth troubling your lordship with, I shant fail to transmit them as soon as they are received.—I am, my lord, your lordship's most obedient humble servant,

LONSDALE.

Lowther, October 16th.

345. BRIGADIER-GENERAL THOMAS STANWIX, to WILLIAM, MARQUIS OF ANNANDALE
—As to the rebels in the Northern Counties of England.

Carlisle, the 17th October 1715.

MY LORD,—I have the honour of yours dated yesterday. The accompts I gave you in my last were collected verbatim from the letters I received from several hands, and affairs seem to me to stand in the same posture still.

I gave you an account yesterday of the partie going from Icleſighen into Northumberland, but those very gentlemen had, as I told your lordship (at least as I was told), been with Darwentwater before they came in pursuit of your lordship.

They are now gon, I suppose, to meet that lord who came last Fryday night again to Hexham, left his wholl partie in that town except thirty, which with several gentlemen he took to his own house, where they stay'd all Saterday, and I believe are there still. It looked to me as if he was going about to drop those poor people he'd drawn in. I had certain accounts of several of them that left him and went to their own houses. I own I can't see what they drive at, since it is certain all to the southward of this place is as tranquill as one could wish. As for Cumberland and Westmerland, they could never expect many from them, because the dissafected or Romain's are but a very inconsiderable numbre, and as for Lancashire we hear not of one man that stir's, and sure the government (who knows that country's inhabitants) have a jealous eye upon them at this juncture, and no doubt some assurance of their not stirring. So what it is the Earl of Mar can propose to himself by sending the 1000 men you mention over the Forth, I own it looks susspiciously, but hope it was in pursuance of their first seem, when they expected a riseing in England. However, lett that be as it will, we must use the utmost caution, and nothing shall be wanting on my side. I fancie when Generall Carpenter comes with the thre regiments of draggon's, which will be in a day or two, we must contrive to meet and forme some project of joyneing your lordship's horse with the millitia of this county and the regular dragoon's upon such occassions as may tend most to the service of the publick. I only offer this as an undejested thought of my own. Your lordship will give me your oppinion of it, for I will doe nothing but in conserst with your lordship's better judgement.—I am, with great respect, your lordships most obedient and most humble servant,

THO. STANWIX.

346. HENRY, VISCOUNT OF LONSDALE, to WILLIAM, MARQUIS OF ANNANDALE—
Of the party of rebels that had crossed the Forth, and offering assistance.
18th October [1715].

MY LORD,—Since I came to this place the governour here has shewed me a letter from your lordship, which seems to shew some apprehensions of a party of rebels which have

passed the Forth, in case they shou'd attempt any thing in your lordships neighbourhood. I am afraid the assistance you can meet with from this country will be very small, for tho' I don't doubt but we shou'd be very well able to defend our selves against any attempt that is likely to be made against us, yet I am afraid we shou'd find a great unwillingness in the ordinary people (which is our greatest strength) to go far from home, and besides, all the partys that I have heard of near your lordship have been only horse, against which our foot cou'd be of no manner of service. But in case your lordship shou'd be attacked and think that 4 or 500 men armed with such weapons as the country people can get, will be of any service to your lordship, I hope I may be able to joyn you with that number when you shall think it necessary and will give me notice.

As I can't pretend to keep these men out above a week or ten days att the farthest, being to be paid out of my own pockett, I hope your lordship won't send for them, till you think there is a probability of their being serviceable for that time, and then I shall very readily attend your summons.

I am, with very great respect, my lord, your lordship's most obedient and most humble servant,

LONSDALE.

Carlisle, October 18th.

347. WILLIAM, MARQUIS OF ANNANDALE, to [probably BRIGADIER-GENERAL STANWIN]
—With news of the Highland army. [19th October 1715.] Draft.

SIR,—Being resolved to leave this place to morrow morning and goe for Edinburgh, I could not be so far out of my duty as not to make due acknowledgements to yow for the readiness yow did shew to entertaine a correspondence with us heir, and give us what assistance yow could for the publict safety. The news I receaved last night from Edinburgh, viz., that these Highlanders who had landed in East Lothian to the number of 15 or 1700, had very confidentlie advanced within half a mile of Edinburgh. But finding tht the Duke of Argile was come up with a detachment of 350 dragoons, 150 foot, and about 60 volunteers, and they being, it wold seemie, dissappointed of the partie they expected to joyne them from the borders, they turned in to the cittadell of Leith; but preparatione being made to attack them in the morning, they gott off by night to Seaton House, where on Sunday they were blockit up, and I hope all prisoners befor this time. Severalls were made prisoners that were taken by the way to Seaton House. And the men of warr in the Firth hes taken 80 prisoners on their passage, and oblidged 4 or 500 to betake themselves to the Isle of May, where its thought they must starve or surrender.

•Sir, this peecce of neus gives me good hopes that these mad men who are gott

togither against the government will soon be sensible of their follie, and find it out of their power to give us much more dissturbance. I have given orders to my deputy-lieutenants to take cair of the peace of the countrey in my absence, and to mentaine a good correspondence with yow for what may concerne the commone safetie. And for my owne paire I shall ever be ready to communicat to yow what from time to time may be fitt for yow to know, and to receave what informatione yow shall please to favour me with. There will be alwayes three att leist of my deputy-lieutenants in this place, and if there be any intelligence to be given, if yow please to write to Sir William Johnstoune, or any others of them, they will alwayes be ready to give suteable returnes.

348. BRIGADIER-GENERAL THOMAS STANWIX, to WILLIAM, MARQUIS OF ANNANDALE
—Of the rebels crossing the Forth, and that a party of soldiers had been sent
to Sir Patrick Maxwell's lands.

Carlisle, the 19th October, 1715.

My Lord,—I have the honour of yours just now and have diliivered your other to my Lord Loansdale who is now here. We are both extreemly obliged to your lordship for the particular accounts you are pleased to give us of maters about Edenbrough. I doe not doubt but yow will have an account this day of the Duke of Argyles having drubed them, and I desire the favour that the moment you have that you'll please to send me an express.

I am directly of your lordships opinion, that when this partie of the rebel's cross'd the Forth they were in expectation of being joyned by great numbers from England and from the Scotch boorders. But they must be strangly balk'd when they find not above 500 in the wholl have yet riss, and I dare say that numbre is all they will have.

I thank yow for acquainting me with the partie yow send to Sir Patrick Maxwell's lands. That way of proceeding may be very usefull when I can gett hold of either regular dragoons or millitia horse. For if I had either I could sen. a party out this evening to act in consert with yours. We have but one poor troop of mallitia horse for both Cumberland and Westmerland, and they are not to rendezvouz till Fryday next, and your lordship know's that sending foot any length out of garrison is fateaguing them to no maner of purpose. I send an express this day to Mr. Carpenter, who I believe will be at New Castle to morrow with the last of the thre regiments of dragoon, and as soon as I hear from him I will lett your lordship know with what his instruction's and orders are, that is if he let's me know them or any part of them.—I am, with great respect, your lordships most obedient and most humble servant,

Tho. STANWIX.

I believe it will be proper your lordship give the post-master of Dumfrize orders that he gives a strict charge to his man who comes to this place, that he brings no letters to this toun nor caries any from it but what he shewes me. He ought not to take one letter from any body after I have dispatched him, and yet I have caught him at it.

349. SIR WILLIAM JOHNSTONE of Westerhall, [to WILLIAM, MARQUIS OF ANNANDALE]—That the rebels were returning home, and the Laird of Lag, younger, wished to surrender. 20th October [1715].

MY LORD,—Since your lordship paerted from this I am informed that ther are severall of Kenmoors party come back, particularly Nithsdale, Glenriddell, and Wainfra, and I had a messadge from Lag, younger, just when I arryved, that he was willing to come in and find baill; and for that end desyred to speake to me, which I did not allow off till I should be authorisssed thereto, but was willing to receive a letter. This therfor comes expresse to acquaint yow herewith and to receive your commands theranent; and to let yow know that the Galloway gentlemen are intierly marcht off with ther men; that our country are come in, but wants armes, and therfor returned, seeing the toun hes not as many armes as will serve themselfis. That some of our deputy's refusel to let the people lend us ther armes (yow may easidly guesse the reasoun), and that Mr. Hepburn hes actually carried off any of our people that had armes, and will neither suffer them to be usefull to the government at this juncture nor allow them to serve in the militia. So hou to proceed I knou not. I am under some apprehensiones for this place, becaus of thes our neighbours and our destitute condicione, and the threats ussed against us all; which I hop youll help to prevent.

Just at wryting hereof I received the inclosed and presumed to break it up, hoping it to be as I find it—the effects of what I told your lordship. I have with the advyce of Craigdaroch wrot back that if his lordship will come in he shall be civilly dealt by and only kept by entries at his doors and windowes till your lordships mind is known, which I hop you'll dispatch with all expeditione. Thus, my lord, you'll break the knott in this country, and I hop bring the king's government to quiet without blood.

I conclude with Craigdarochs humble dutty and mine to your lordship, and am, my lord, your lordships most faithfull, most obedient faithfull servant,

WM. JOHNSTONE.

Dumfreis, October 20th, 2 afternoon.

Mr. Stewart offerrs baill of three hundred pound to present himself in a week at Edinburgh to my Lord Justice Clark. Let me have your answer to this also; and let us knou if our south country men are joynd with the Highlanders, or what we are to expect.

350. DAVID, FIFTH VISCOUNT OF STORMONT, to WILLIAM, MARQUIS OF ANNANDALE
—That his house had been searched and garrisoned. 20th October 1715.

MY LORD,—I presume by this to informe your lordship I was surprised to understand my house was searched for me yesterday and garisoned.

My lord, I have given no offence to the government except in not obeying a citation, which nothing hindred me from but the fear of a prison, considering the present bad circumstances of my health. But such is the entire trust I putt in your lordship, that ill as I am I resolve to wait upon your lordship to morrow att Dumfreise, and surrender my self. I am with great respect, my lord, your lordships most obedient humble servant,

STORMONT.

October 20th, 1715.

To the right honourable my lord Marquesse of Anandale, lord-liewtenant of the county of Dumfreise, etc.

351. WILLIAM, MARQUIS OF ANNANDALE, to DAVID, FIFTH VISCOUNT OF STORMONT
—About his surrendering. [October 1715.]

MY LORD,—I am sorrie I was come this length before I received your lordships. Had I knouen any thing of your design I would have stayed to made you as easie as I could. All I cann say is that if your lordship is pleas'd to surrender your selve to me or my deputies, you may assure your selve that I shall use my best interest and endeavours soe effectually to recommend your early submission to his majestie as I cannot doubt may entitle your lordship to his favour. My lord, I am,

Indorsed : Copy of a letter to my Lord Stormont.

352. SIR PATRICK MAXWELL of Springkell to WILLIAM, SIXTH VISCOUNT OF KENMURE—That he had a complement of men ready to join him. Copy.

31 October 1715.

MY LORD,—I am extreamly troubled that your lordship hath not given me advertisement that I might have afordaed yow a compliment of men, for tho I have engaged all at distances from me in England and Scotland here and there, men I hope would please yow. Pray let me know what I shall do to raise them or not, to be with yow or to keep the Borders. So as things fall out let me know what to do from time to time.

This enclosed I broke up, being, I supposed, as it is fallen owt, only intelligence.

So I did not know where to find yow. I hope yowr commands which shall be obeyd by, my dear lord, yours to command (*sic subscriptitur*),

PAT. MAXWELL.

Pray give me timely advertisement. If please God yow gaine Drumfries, put out a proclamatione that yow are for defence of yowr countrie's property and libertie, and order sermons in the church by yowr own ministers, and lett them preach the same, and order that all who do not go to hear sermon to be seised upon, that the commons may hear and beleave the reasons of yowr taking arms.

Directed to the Viscount of Kemmure, his excellancie.

353. SIR PATRICK MAXWELL of Springkell to SIR WILLIAM JOHNSTONE [of Westerhall]—That his men could not join the militia. 4th November 1715. Copy.

SIR,—I am glade my letter found yow well in body tho not in mind, being yow did not fully answer my letter as to the militia. Yow put unpossibilities upon my tennants, who I told yow were to receive me of stents and taxations, especiaiy of foot militia, and yet require them to come in with arms when your sahedrim are the only occasions they want them, for they were threatned and robed when they had them. Another reason is a great many of my men are drovers, and not yet come from England, so the half will not take burden for the whole. I desire yet a little time till the rest come home, and a safe pass for a part at present to buy arms, or I must send them naked when yow call.

Galatians 5, verse 15, “But if yow bite and devour one another, take head that yow be not consumed one of another.”

Yow talk of my being absent from my house when I went to visite sick people and my friends. I think it was more charity then to stay for your guards. I wish with all my heart, Sir William, that yow had skill in physick, then yow would be more happy in the blessings of the poor then in your imployments or wordly concerns.

Pray let me know if I can live without trouble at home, for I would not go alongst with Kenmure nor give him a man. But I am in the conditions of those whom the ministers in the 1642 preached against most severely, who were guilty of the damnable sin of newtrality. Yow are not in that sin. I love to live quiet if I can. Tell me what yow would have me to do if possible, for I cannot observe impossibilities, nor can yow expect it from that country nor from, sir, your most humble servant (*sic subscriptitur*),

PAT. MAXWELL.

Kirkconnell, 4 November 1715.

Indorsed : Copie of ane other letter direct by the same person to Sir William Johnston.

354. SIR WILLIAM JOHNSTONE [of Westerhall] to WILLIAM, MARQUIS OF ANNANDALE
—Account of the rebels' expedition into England, and of the measures taken
for defence.

4t November 1715.

MY LORD,—I have the honor of your lordship's of the 2nd instant, and am much concerned for the losse of my last letter of two full sheett of peaper, and contained everry step of my procedure since my former to your lordship. I am affraid the confusione I am in with a perpetuall hurry and both wryting and acting myself; houer I shall endeavour to give yow the substance, which is:—

That on Saterday after yow went off I was left alone. On Sunday the half pay officers come with letters from Argyle, Loudon, and others to your lordship, which are all catched with mine. The designe of the gentelmen was to raise the malitia. On Monday I went with Major Campbell through the works to be done, and that night got to Lochmaben on my jorney home to look after our malitia. On Teusday by nyne in the morning I meet on of my servantts with letters of the rebels desinged march to attack Dumfreis, upon which I returned, and that night dispatched expresses to everry deputy livetenant and minister, and the event is that we have this day 1300 verry hearty but bad armes in Dumfreis. Our works are so weell done that we wold have stood our ground against thrice the number was against us, and not run for it, as Kelso, for which I hop they have payed.

Major Campbell hes been verry active, and all the half pay officers most dilligent. I had sent severall expresses, both to Carlisle and Carpenter, of which I have returns by me, and sent Arkelton first, quho reached him, and last Earleston and Bearholme to him, who missed of him, he being gone in persuit, or to be befor the rebels, I knou not which, ouly this I dare affirme, had Sir William Bennet (quhos advyce he wrytes he followes) had suffered him instantly to have followed the rebels, Mr. Carpenter had got them ere they had got to Branton.

The rebels wer at Hawick Saterdays night, at Langholme o. Sunday six of the clock, wer allairmed, and the horse marched that night to Eckelfechen, and Kenmoor left with the foot, who mutienied, and about 3 or 400 broke off. I supose yow have them befor this. They had a councill of war at Langholme whither to march and attack and beat Carpenter, or to plunder Dumfreis, or to march for England. From Eckelfechen they marched to Langtoune and Branton, and earied on of our militia ensings, quho was to seek them, in with them. Being informed that we wold stand our ground, from Branton they marched to a place near Sir Christopher Musgraves, and went to Penrith last night, whair he wold find the posse of the two counties with my Lord Lonsdale meett, without armes. I had the answer of my last expresse from

Hawick yesterday, who tells me that Generall Carpenter (as they wer informed) went by the Mill of Sudden, and wer to go by the head of Ridsdale streight to Branton, which wold bring him within 24 miles of the rebels, if true. Ther are tuo expressos with a deputy livetenant sent to follow the rebels and to bring up a perfect accountt of them, which I expect every moment, and therfor detains this expresse till I get some notice of them.

I sent yow befor a eopy of the letter sent to the Duke of Argyle, and sends yow nou ane other double with his graces answer.

I send your lordship also a list of the prisoners here and for what incareerat, and shall wait your orders anment ther transportatione.

I have a letter from Glenriddell and ane other from Portract to ther wyfes intercepted, and I think concurring evidence against all the gentelman of our country.

As to Stormonth, I told your lordship that I could not stir myself, or else ther had not on man stayed, and I durst not trust him on the road least the rebels had taken ther way to Edinburgh or Glasgow, and since ther turning this way I have had my hands pretty full, but hopes to get loose for some dayes to see your lordship, if thesse people return not. They have still above 1200 Highlanders with them and above 800 horse.

I have good grounds to beleive the Master of Stormonth will joyn me. I am sorry to tell yow that Nithsdale is gone with the rebels.

My sone John was chossen without my knoledge captain of the voluntiers. They are gone to the borders to catch straglers, and to bring up from the Langholme a cannon and one other peice of ordinance from the Langholme which the rebels left.

As to the militia, Mr. Hepburne is gone the second day after he come to this place, and our men ingadged with him will not pay one farthing of ther contributiones. Girthead hes not nor will not concurr. I signed a warrant against your lordships men and my own to poynd for ther deficiency, but unles your lordship order the first expensse conforme to law I am afraid I dare not proceed against others. Yow are sure of your releife. Therfor I presume to desyre (if you will ha'e the militia) to give stricter orders or else give it over. The half of the Galloway people are not so right, Earleston ingadges honestly, Broughton will not undertake without his people. Wryt heartly.

Since wryting of the foorgoeing sheett, the gentelman sent to Carlisle is returned with ane accountt that the rebels on Thursday went to Penrith, whair my Lord Lonsdale had conveened the posse of the county near to 15000 [*sic: ? 1500*], but without armes, who run for it on sight, and my lord with about 100 light horse wer oblidged to make the best of ther way. They then advanced to Appleby, whair the posse of Westmoorland wer, who also disperssed, being without armes. That they take all horsses they can

get and seasses persons and dismisses them for ransom. On that see them told our messenger that near Penrith he see the foott mounted tuo and tuo upon on horse, and that they were sore fatigued. By the post boy just come in, Sundays night, we are informed that the rebels are still at Brugh and Penrith, by which we conclude ther desinge is a faint to draw Carpenter (who by Sir William Bennetts advyce is marched by Newcastle) to come by Durhame to meett them, and so they have the feilds fair to come back on us. And this argument is thought so good that it has prevailed on the most part of the country men to stay and see the event. To knou which we sent off ane other expresse this day at 2 in the morning, and impatiently waits his returne, which I expect befor this comes off the morrow morning.

I forgot to tell your lordship that the surpryse of thesse enemies coming on us stopt the raiseing the malitia, and least we should have been defenceles we concluded to borrow mony on the shires account to pay our men who come voluntary in at 8d. per day, which we continue to do, and which will be hard upon the shire. To pay both thesse and raise the malitia we are nou come to some regularity, and the men hearty, but will neither suffer themselfs to be drawen, nor will they stay togither.

I am forced, my lord, to be confused, and wryt as I am informed, as things comes to hand. And first, Mr. Hepburne is nou gone off, as I said befor, but unlesse yow countermand it they shall contribute ther share, I mean his people.

Secondly, We keep continuall expresses comeing and goeing, and my own horsses and servants hes been continually imployed.

Thirdly, As to the Galloway militia, I am just nou informed that Broughton hes taken the pett, becaus he is not collonell of the malitia, and tho I know not who is collonell, yet I am blamed in the matter. The deputy livetenants of the stewartry are for Broughton, and therfor your lordship will pleas consider this poynt and adjust it for the publict interest. Craigdaroch and I shall endevour the morrow to satisfie them till your lordships answer come.

I wrot formerly that our gentelmen wer not for raisseing the horse, and therfor I have propossed and Craigdaroch hes accepted to be livetenant collonell to the foott, and therafter yow may change them as yow think fitt.

I have a letter from Stanwix yesternight, in which was a letter from Sir Patrick Maxwell to the Lord Kenmoor, a copy whairof the justice clark hes sent him by the provist, and at the same tyme I have a line from him amment the malitia, contradictorry in every poynt, and shifting his duty in raiseing the malitia. My sone hes orders to sease him, but your lordship knous ther must be a sett err he can be apprehended. Kenmoor dropt the letter at Penrith of which (if I have tyme) I'll send yow ane other double.

I presume to give yow my reasoun that Carpenter had got the rebels at Branton if

he had come by Langholme, because I wrot expressely that they wer to come to Dumfreis, which now our prisoners acknoledges, and they come a dayes march to Eckelfechen out of ther way till they heard of our strenth, and then went to Brantone, so that if Carpenter had followed when he was only Sundays march behind he had certainly been with them.

Monday, ii of the clock. My lord, the expresse is not yet returned, but Laird Herron hes sent his man back from Penrith, and wryts that the rebels marched to Kendall on Saterday; that they are kindly received, and expects reinforcements in Lancashyre; that Carpenter, notwithstanding of Stanwix's letter to him, refusess to march directly after them, and that they had mounted 100 of ther foot since they entred England.

The fellow brings ane other letter from Collonell Fitzgerald at Carlisle, that sayes Carpenter is on his march following the rebels. If any accountts comes worth wheill yow shall have them by the post which for that end we will keep.

My dear lord, pardon the confussione and escapes, for I beleive I shall loose my eyes for want of sleep and my legs with cold in the night vissitting the guards. I am, my lord, your lordships most faithfull most obedient humble servant,

WM. JOHNSTONE.

355. BRIGADIER-GENERAL THOMAS STANWIX [probably to SIR WILLIAM JOHNSTONE of Westerhall]—The rebels gone to Lancaster. 7th November [1715]. Copy.

SIR,—Your messenger will have me write. Now I have nothing in the world to say more than when I wrote to you last, viz.—That the rebels are gone by Kendall to Lancaster, and I have certain accounts, and so you say you have, that Mr. Carpenter is at Newcastle.

When I know anything worth while I will write, but shall not trouble you till then, I am, sir, your most humble servant, (*Sic subscrbitur*) THO. STANWIX.

Carlisle, the 7 November.

[On the same sheet of paper is written the following]:—

Copie of the instructions given to the Magistrats of Drumfries by the deputy lovetenants of the shire of Drumfries, stewartries of Annandall and Kirkcudbright.

Imprimis. That the magistrats of Drunfries be provyded with ammunition necessar, and that the bullets be cassen in severall caams, both for muskets and cannons, and that cartarages be made.

- 2do. That ane express be sent to Whytehaven to know what arms can be had ther for money.
- 3dly. That orders be given for makeng of bagonets.
- 4tly. That Bailly Corrie and two or three to attend him be sent to waite upon the rebels motion, and to send expresses dailly of the enemies motion, and to take notice of the enimies passage by Kysock road.
- 5tly. To wryte to Bailly Melvill to secuir all expresses goeing to or from the rebels.
- 6tly. That the pryces of hay and corne be regulate within the town of Drumfries.
- 7tly. That no expresses or posts go off without acqwanting of the deputy lovetennants.

356. CHARLES, SECOND VISCOUNT OF TOWNSHEND, to WILLIAM, MARQUIS OF ANNANDALE—The king approvcs of the Viscount of Stormont's apprehension.

Whitehall, November 8th, 1715.

MY LORD,—I have the honour of your lordships of the 3d, which I laid before the king, who is very well satisfied with the particular account your lordship gives of the state of your parts, and with the zeal your lordship expresses for his majestys service, and doubts not but your lordship will continue to keep up and encourage that hearty spirit you have observ'd in the people of those counties of which your lordship is lieutenant. His majesty approves very much of your lordship making the Viscount of Stormont prisoner. Neither would it be proper that any who have appear'd in rebellion against his majesty, or who have refused to obey the citation from the justice court, should be admitted to any other termes. I should be very glad to be appris'd from your lordship of the occurrences with you, and shall on all occasions endeavour to convince your lordship that I am, with the greatest respect, my lord, your lordship's most obedient humble servant,

TOWNSHEND.

Marquis of Annandale.

To the right honourable my Lord Marquess of Anandale, Edinburgh.

III.—FAMILY AND DOMESTIC LETTERS.

357. JOHN JOHNSTONE, Commendator of Soulseat, and ROBERT JOHNSTONE, his son, to JOHN JOHNSTONE of that Ilk—Of their procedure in regard to his law affairs. 27th January [1563].

RYCHT HONORABLE SCHIR,—Efter our hartlie commendatioun of service. We haife rasauit your maisterschepis writtin and hes, conforme to the desyr thairof, delyuerit your x peeces of evidentis to Maister Jhone Moscrop, of the rasaitt of the quhiliks ye soll rasawe his writtin, quhilk ye soll keip for the securite thairof. Forther, we haif delyverit your vther writtin to Maister Robert Crechtoun, the quhilk will nocht procure oppinlie for Lochmaban. Bocht he hes takin on hand to concure with ane vther man of law callit Maister Aduerd Hendersoun, the quhilk hes takin on hand to procure thair-intill. And for Maister Robertis information, we haife dewydit your money betuix thaim, the quhiliks thai ger ws wnderstand that thai will kast this summondis instant. As tuchand all vthir thyngis that ye haif writtin, we soll do our vther diligence tbairintill. Forther, as to Robertis actioun, it will nocht be gettin doun this x or xii dayes. As to vther information, Maister Jhone Moscrop hes send yow his mynd thair-intill. Forther, we pray yowr maistership to remember on the assurance quhilk we wrift effoir, gyse it be vndoun. And as to the erandis that ye haife heir, we salbe vigilant and delygent thairin, God willing, quho mycht preserue your maistership eternle. Writtin of Edinburgh the xxvij day of Januar be youris at powar of seruice,

A handwritten signature in cursive script, appearing to read "The same to the Lard of Jhonstoun".

ROBERT JHONSTOUN, sone.

To the ryght honourable the Lard of Jhonstoun.

358. THE SAME TO THE SAME—Relative to a law plea. 13th February [1563].

RYCHT HONORABLE SCHIR,—Efter hartlie commendatioun of service. Plessit your maistership to wit the lordis hes gewin ane decreit aganes yow to James Johnstoun in Meddilkald and that for null-deffene, becaus the said James produciet horningy letteris

vpoun yow at the instane of Joke Dowglas, for the quhilke caus the lordis wald nocth suffer Maister Jhone Moserop gyfe in ony rationes nother of youris nor youris wyfis, and sua ye haife throw your being at the horne tent your god caus. Forther, Maister Jhone Moserop schawis me that James Jhonstoun complenit yow to the haill lordis, sayand that ye war ane weray manefest rewar, and that he nor naue vtheris nicht lewe for your reft and opprassion, and throw this and sic sayingis put the lordis in sic desplessour that thai wald nocth heir him proeur in your actione. Heirfor his counsale is that gyfe ye may prewe be ony honest men that the Lard of Thornok, Niniane Grahame, was takin and compellit to sell that land to James Jhonstoun and Gawin his fathir, that ye wald get your selfe fra the horne and rais letteris of reductioun ; the quhilke, gyfe it may be prewen the compulsioun, he feris nocth to reduce all his infectementis passit thairvpoun ; heirfor awys your selfe thairvpoun. Forther, your sone hes gettin ane deereit vpoun the Lard of Sypland of warrandes of the Lattymeris landis. As to nouells, thair is nane, bot all the lordis is conuenit at this tyme, to the effect ye will heir eftirwart. Forther, ye sall resawe ane writtin of Maister Jhone Moseropis. All vther thyngis refieris till your wisdom : and God kepe your maistership eterne. Writtin of Edinburgh the xij day of Februarie, be yours, at powar of seruice,

JHONE, COMENDATOUR OFF SAULSETT.

To the ryght honorable the Lard of Jhonstoun.

359. HABIE ARMSTRONG AND OTHERS to JOHN JOHNSTONE of that Ilk—Asking for their nags. 20 April *circa* 1575.

HONORABELL SCHIR,—We commend ws to yowr maistership. Plesset yow to ressaue yowr hors fray thes berar. We merwell of yowr maistershipis greyt wnfrydnes declarat toward ws wndessarwet. We sarwet na syk theng to yowr maistershipis hand as to haf lede day forows vpon wyhtownt hony caws ; nocthwythtstandyng we mon soffar that of yowr maistership, gyf it was wars, bot all weyes it is mor nor we lookyt for wythowt we had offendyt to yowr maistership or some of yowris. We walld yowr maistership cawset send hame owr nagis yf it war [yowr] plesour. Ye haf na theng of owris nathar now nor of befor, bot ye haf it vnder ane bwnd trast and sowarns ; heyrfor we dowt nocth bot ye wyll send theme agane acordyng to yowr trast. Yowr maistership nedyt nocth to haf wsset ws swa wrassannall, for gyf honoy of owris had offendyt to hony of yowris we walld haf commet hame to the Lowchtowd and thar haf made yowr mendis, batht to yowr honor and plesour, ye and wyll do yet, gyf ye byd of ws, and that yowr maistership kenyt well aneweht. We thenk that yowr maistership swlld nocth haf kasseng ws away for na falls klattaris of theme of Cragobwrne,

qwha swocht yowr maistershipis wrekment oft and diwaris tymes alls well as owrис,
for trowly we walld haf done mayr for yowr maistership nor thay walld. Thay haf
beyne gryt offendaris to ws, and hes sched owr blod as God and the war[!]d knaws, yet
yowr maistership soll ken that we haf nocht offendyt to theme at thes tyme; bot be
caws that thay ar offendaris to ws thay bordene ws wytht syk thingis as is down to
them at thes tyme, parwentour alls well for ill of ws as theme. Thes lessing to trowbill
yowr maistership wytht fordour wrytten, we resar the rest to yowr ansour, and so
fayr your maistership well; of Morton, thes xxv of Apprell, yowris gyf ye ples,

ABE ARMESTRANG,

WYLL ARMESTRANG,

CRYSTIE ARMESTRANG,

brether.

To the ryght honorabill the Lard of Jhonstown [g]yf thes, and in hes absens the
Lady.

360. THE SAME TO THE SAME—Offering to refer the dispute to arbitrators.

3rd May, *circa* 1575.

MOST HONARABELL SCHIR,—We haf ressawet yowr wrytten, the quhilke we think
weray scherpe. And sayes that ye wyll nocht send na nagis to ws at thes presseint,
bot that ye wyll do ws fordor desplesour qwhene tyme soll serwe, and that ye wyll gar
the best of Scotland kene that we ar trast brekearis and wntrowe men. For ansour, ye
may halld thay nagis amang mekell mayr of owrис at yowr plessour. And as to the
knowlege of owr trowcht, we rak nowcht how mony honest men kene owr demenour
towardes yow and yowris freyndis. It is well kennet to all the hell contre that we
ware halldyng na trast brekeris to na man, and gyf we haf bene gown at yowr
maistership, we ar the mayr to blame. And gyf that kan be tryet, thanc ye mycht
haf wsset ws to the regwl, and nocht without caws dessarwet haf wsset ws as ye haf
downe. Nochtwithstanding, we ar content with hon theng ye wyll do to ws. Yowr
maistership soll haf mayr nor mossour of ws as resone is ye haf. For gyf ye ples to
pont ane tryst and do mossour and tak mossour, we wyll resser owr cawsses in to the
handis of viij Jhonstonis to mak mendes batht to yowr honor and plesour gyf we haf
offendit, geif we may haf the lyk of yowr maistership and yowr freyndis, the quhilke
viij Jhonestens ye soll ressaif in bell, that is to say—Jhone Jhonston in Mellynchaw,
Robyne Jhonstone in Newton, the lard of Newby, the lard of Ellschelles, Wyll of
Bromell, Jame of Bromell, Androw Lokarby, Wyll of Myrebed, Mathos Wyli, Syme
of Carterton. Schir, ther ar freyndis and sarwandis to yowr maistership, and we

wyll resser owr cawsses in ther men handis, and qwhat thay ordame ws to do to yowr maisterschip, or hony freynd ye heff, accordyng to mossor, that we wyll do to, qwhy, that we may haf the lyk of yowr maistership and yowr freyndis. Sertfyeng yowr maistership gyf that ye refiws to do thes we kan do na les nor men owr cawsses to honest men how we ar handellet be yow, and yowr maistership and yowr freyndis. Thes awayitand vpone yowr ansoour we byd yow fayrfwell. Of Morton thes thred of May.—Yowris gyf ye byd of ws,

ABBY ARMESTRANG.

CRYSTE ARMESTRANG.

WYLLM ARMESTRANG.

To the ryeht honarable the Lard Jhonston.

361. WILLIAM MAXWELL, FIFTH LORD HERRIES, to JOHN JOHNSTONE of Greenhill—
To set Habbie Maxwell at liberty. 4th June 1585.

MY FREIND, Johnne Johnstone, I am informit that ye haue tane anc Habbie Maxwell, servand to my freind Johnne Maxwell of Kirkconnell, and detenis him as prisonare. This gentill man nor name of his servandis ever assislit my Lord of Mortoun nor mellit with his cummerris, bot hes found cawtione before the kingis maiestie and counsall to ly by my lord and not to concur with him in the cummerris. Quhairfor, Johnne, I desyr yow to lat this pure man to libertie as ye wald I suld do for yow. Vtherwayis I will think ye do over lytill for me, and I will haif the les to do with yow in tyme cuming, and seik the nixt remedie. This gentill man is my freind quhom I man do for, and ye are ane man that I haue to do with to, and gif ye lat him nocth to libertie, I can not think yow to be my freind. Aduerteis me planelie of your mynde heirin, and weilbe ye. Terreglis, the fourt day of Junii 1585. Your freind,

HERYS.

To my freind Johnne Johnnstone of Grenchill.

362. JAMES GRAHAME AND PATRICK GRAHAME to SIR JAMES JOHNSTONE of that Ilk—About the slaughter of Robert Grahame of Longbedholm, their father. 18th June 1591.

RICHT HONOURABILL SCHIR,—It will pleis your maistership to wit, that your maisterschidis freyndis and ouris was speikand with ws, and desyrand of ws quhat we wald do to your maistership anent the slauchter of my father, Robert Ghrane, your maisterschidis servand of Langbodium, and quhat we wald do for your maisterschidis plesour

thairament. In the first, in respect we war left in the protectioun and faouris of your maisterschip at his deceis, quhairof we ar content, for your maisterschipis faour and plesour, to grant at your maisterschipis will and discretion, to gif ane assurance for the space of half ane yeir or ane haill yeir, gif it be your maistershipis plesour to command ws, or vpoun aucht dayis varning. And fordar, we ar content, as said is, for your maistershipis guid will and plesour, gif it will pleis your maistership, to caus the slayaris of our fader to mak ane offer vnto ws, we will be content gif it [be] your maistershipis plesour to resaue it at your maistershipis command; and gif it beis maid be thame honest and lesun that we may resaif it, we salbe contentit, be the sycht of your maistership and vther wyis freindis, to vse the counsale of your maistership and thame in that mater gif it be your maistershipis plesour. And vtherwayis, bot onlye gif it war nocht your maistershipis plesour, gif they wald offer vnto ws all the geir thai haif in the warlde, we wald nocht accept it gif we culd haif your maistershipis faouris vtherwayis. Heirfor, we beseik your maistership, for Godis caus, and for the seruice that he hes maid vnto your maistership, and we ar able to mak, that your maistership will tak the adwyse of your maistership wyis and discret freindis, that we may leif in the countreye as servandis vnto your maistership; and your maistershipis guid answer heinintill or quhat we soll luik for at your maistershipis handis, beseikand your maistership, for the luf of Almychti God saik, to lat it be seine that your maistership will nocht chais ws avay, bot that your maistership will do ws ressoun and less nor mesour: and gif your maistership will vtherwayis do, we will tak God to witnes that we ar nocht the occasioune nor wyte of ony evill heirefter. Nocht trubling your maistership with langer letter at this present, bot committis your maistership in the protectioun of Almychti God, quhome haif your maistership in his keiping bayht in saull and bodye. Wryttin frome Craufurde the xvij daye of Junii 1591. Be your maistershipis seruandis, gif your maistership will accept thame, to the vtermost of our powars.

JAMES GRAHAME, with my hand.

I, Patrick Ghrame, with my hand led on the pen be notar vnderwritin at my speciali command, becaus I culd nocht wryt my self, befor thir witnesses, Johnne Ingrem, seruitour to the capitane of Craufurd; Robert Fotheringham in Blakhall; James Fotheringhame, notar publict, with vtheris diuerss.

Ita est Jacobus Fotheringhame, notarius publicus ac testis in premissis requisitus ex speciali mandato dicti Patricii scribere nescientis, ut asseruit, calamum meum manu sua tangente, teste mea manu propria. *Motto*—Fides mea.

Robert Fotheringhame, witness.

To ane ryght honerable and owr mester, and he woll exsep ws, the Laird of Jhonstoun, gewe thes.

363. JOHN MAXWELL, SIXTH LORD HERRIES, to his aunt, SARA MAXWELL, LADY JOHNSTONE—As to the repayment to her of a sum of one thousand merks. 8th November 1609.

MADAM AND LOVING AINT,—I resauit your ladyschipis letter putting me in remembrance of ane contract betuix your ladyship and me quhairby ye war bund, and furnesit me ane thowsand merkis, wyth sum vtheris verball conditionis, qualairof I hope your ladyship is in memorie. Your ladyship sall find me willing and riddie to perfyte my parte of that contract. I will onlie intreit your ladyship to spair the vsing of onie extremitie in that mater for sex wikis, for the maist parte of that siluer that your ladyship sould haue haid at this termie I haue resauit and hes debursit vpone sum my vrgent esfairs quhilk I salbe about to provyde aganis that day, and I hope your ladyship will think it the les brek boith in respect of my planes with yow and of the schoirtnes of the tyme. Your ladyship moist remember it was conditionat no Johnistoune to posses that landis, bott sik as I sould onlie be contentit with, your ladyschipis selff exceptit allanerlie; quhillk condicione I sall stand vnto except your ladyship refus satisfaction. Swa to the nixt occasione I rest, your ladyschipis loving cousing to be commandit,

Kirkgunzen, the 8 of November 1609.

To my verie honorable guid ladie and loving aint, my Ladie Johnistoune, youngair.

364. JOHN MURRAY of Lochmaben, afterwards EARL OF ANNANDALE, to JAMES JOHNSTONE of Lochhouse—As to proceedings with the king regarding the slaughter of the Laird of Johnstone, and offering assistance in his other affairs. 12th June 1611.

LOWEING COUSING,—It will please yowe I hawe reasawed your letter and hes considerit vpoun the same. And as fore that mater consernyng the lard Johnstonis slawcher,

me Lord Herreis had taken his leiff off his maieste before he did reasawe your letter, and esfir that his maieste hes caused one speake withe him at lenthe, whome I knoc yee will trust, and his lordshippe hes taken weall in hand to lett his maieste knoe the ryght way howe to do the same ; and iff that can nocht bryng thame within the compas off the lawe, iff thai may wtherwayis he will do the same. The man whoe did speake withe me Lord Herreis will be secreit anewche, I will ansuer fore him. So do ye what yee can to bryng thir things to leicht, and yee shall be sure thai that doethe it shall hawe thair awin thankis fore the same. So do yee thair, and I will do my best bear, to lett the countree sea that I will be that manes frend leifland and died. And iff me Lord Herreis will nocht keepe that he hes promeised he shall hawe schame off the same. And iff he do, his maieste will gewe him his awin thankis, and furderence [to] his turnes thair and his good continence. So as yee do in thir thingis lett me knoe as yee hawe occatioun. And fore Drumlanrig, iff his man, Willame Lewingstone, come vpe it serwes. I shall arme my selff the best I can boithe for my worthee frend and my selffe. And fore the lard, yee will find the same trewe I schewet when I hard his frends hear had wryttin fore him to come vpe, that he was farder vpone his awin counsell nor thai war, fore I thinkae thai shall hardle gett him hear ; alwayis I will leiff that to the awin tyme. As fore your awin turnes, as yee do in thame lett me knoe, and iff thair be ony thing more that layes in my power to do fore yowe, ather in that or ony wther thinge, ye shall assure your self off the same. And thair is none in that countree that shall caus me to change my word, and in ony thinge I hawe to do thair I will be als free withe yowe as ony frend I hawe. As for that concernynge Lochmaben, thair is nothinge done in that bissines withe the whiche I am nocht aquentit withe ; and thairfore ear yee nocht fore that, fore in the awin tyme I hope to lett yowe sea I shall do that to my awin contentment. So hawand no wther occatioun at this tyme whill I hear frome yowe bot my harile commendatioun to yourselff, I will ewer remeane your most assured cousing to my power,

JOHN MURRAY.

At Grenwiche, the 12 off June 1611.

To my loweing couesen James Johustone off the Lochhowse, gewe thais.

365. WILLIAM BUCHANAN, Newton, to ELIZABETH SHAW (of Greenock), first wife of Sir Hugh Montgomerie of Airds—About the seizure of a horse belonging to Sir Hugh. 25th June 1618.

HONORABLE MADAME,—This berare hath beine showin me that the subsherife and his baleefes, accompanid with Thomas Barclay, hes come to the lands that are possessed be Johne White, and there hes takin away ane din nage, maistrefullie and violentlie,

that belonged to Sir Hugh Montgomery, altho in the keeping of Thomas Patoun, attending Sir Hugh his home coming. Madam, the best way to recover this nage againe is to find out the names of these who were present att the way takin of the nage, and to preferr a bill of indictment against them for the felonious way taking of the nage att the next quarter sessions, whiche is only to be found there and transmitted to the generall assyses there to byde a tryell. The assises are to be within xx daies, and Sir Hugh himself wilbe there to manage the bussines, and in my consate this is the best and readiest course, and the thing whiche will make them smart the more for the attempts. Your ladyship, if yee please, may wreat to the subsherife to redeliver the nage againe in regard he is Sir Hughs, and not to putt him self to further truble. If he will not, he is the more inexcusable. As for Mr. Bareley, I hope your ladyship may overtake him for his doings in that sort. Your ladyship wauld do weell to wreat to him likwise assuring him that whatever interest or damage ensewed throw the want of the horse it should light vpon him, becaus that wilfullie, wittinglie, and willinglie, he hes transgressed Sir Hugh his command and ordinance, sett downe in his worships court for record, that none of his tenents should ather prosecut any actioune or answer to any other mans instance before any judicatorie safe onlie his awin. And if the sheref hes taken the horse (as happelie he will aledge) for a fine imposed vpon Thomas Patoun for his absence from his court, your ladyship may certefie the sheref of Sir Hugh his will to the heigh sheref, be his lettres out of Dublin, concerning his tenents, so as Mr. subsheref seemes some thing too sawcie after this derectione to medle withc any of yours. As for his fyne that he hes laid vpon the honest man for one simple default, if it be xx s., as I heir, it is more nor he can do, for the fynes of the absents att the quarter sessions are only x s., so as if he prease vnder the culour of his office to take or impose more, lett him do it att his perrell; for the greatest fine that a sheref can impose in a leet for any mans absence is a noble. Thus leaving to truble your ladyship any more, I rest, youris ladyshipis ever bounden serwand in all humiletie,

WILLIAM BUCHANANE.

Newtone, the 25 June, 1618.

To the honorable and vertuouse lady, my Lady Montgomery, derect.

366. HUGH, FIRST VISCOUNT MONTGOMERIE of Airds, to SARA, COUNTESS OF WIGTON—A proposal of marriage. 20th April 1625.

RIGHT HONNORABILL,—He whois growndis hath sildownm bein settillid by imangenarey contemplatiowns, nathir yit hath had his actiowns limettid by othir menis lavell, bot who by the practicall effectis of his awin personall actiowns is accustomat (by Godis

spetiall favour) to owirecom his opposing deficultes, hes (finding his accustomat rest and liberte becom a stranger vnto him) stollin him self from cuntrie and attendantis to offir him self to yowr honnouris wew, that by conferant he may not onle ondirstan the reall effect of his onaccustomat distrubant wroght by the fleing fame of yowr ledyschipis raer wertws, that by conferant he may ondirstand how athir to atten to the combill of desayiris or support the trevarsis of his froneing fortowne. Tbis intretting to be exkussid for that he hes thus passid the lemcitis of yowr honnouris prescriptiowne as for him who in kissing your honnouris is resolfeid to reman,—Youris honnouris affectionat servant,

MONTGOMERIE.

Loghmaban, this 20 of April 1625.

To the right honnorable and his singular good ladei, the Countas of Wigtowne, theis.

367. SIR JOHN GORDON of Lochinvar to JAMES JOHNSTONE of that Ilk—His inability to keep an appointment in Edinburgh. *Circa 1628.*

HONORABILL AND LOVINGE COUSINGE,—I resaved ane letter from you on Thursday, beinge the eleventh of this month, to be in Edinbruch the Monday thairefter in regarde of that busines you have befoir the counsell with James Maxwell. Houbeit the warninge was schort to come in that kynde as was fite to wait upon you, yet I wold not hav stayed iff [I] had not apoynted dietes off befoir with the titulars of sex kirkes to come and agrie with me, quibilk falles out in the mean tyme you apointed and it sufferes no delay, becaus we hav not finallie as yet ended, and they most pay all thair moneyes at Martimes. The soumes is of that importance as it wold turne much to my prejudice to neglect this occasione. Sundre uther busnes I had lykwyse, but non of them all could hav stayed me from waitinge on you. Cousinge, think not this ane excus, for I honor you so much that I protest to God if it war to ryde to Paris you sall command me and all that belongs to me; if ather your diet be prolonged, or that you hav to do in that kynde nixte counsell day, adverteis me and I sall keip if I hav my lyfe, and sall still remain, your very affectionat couisinge to do you serveis,

LOCHINVAR.

To my honourabill and lovinge couisinge, the lard Johnistoun, theis.

368. SARA, COUNTESS OF WIGTON, VISCOUNTESS MONTGOMERIE, TO JAMES JOHNSTONE
of that Ilk, her son—Advice as to his conduct. 24th July *circa* 1628.

LOWING SONNE,—I pray God ye be weill. I haue bein to long in heiring from yow. Synee my home cumyng alwayset it seameth, be thir few lynes of yours, that ye haue bein sum hardlie vsit be my Lord Herrcis, quhilk I doe nocht think weill off. Bott sicing he is and haith ever bein this kittill to deill with, be the more war and doe your best ones to . . . tuix yow and him. Ye ar greitlie rumourit be . . . [peapi]ll of this contrie in making thame cum out to . . . ycht occasiones I wald wisch doe in the contrie . . . mon peapill, soe weill as ye may, and mak tha . . . ell in those partis. For it wald seim thair is none . . . micht hause your will of thame; and thairfore . . . ence rule . . . This is all that I will say vn . . . Praying G[fod to] direct yow in all and quhatsum[ever yow have] adoe, I rem[aine], your loweing mother,

SARA, COUNTES OF WIGTOUN.

Lochwode, this 24 of Julij.

Sonne, I have hard farther, be Habbii Atchesones wyfe, that ye ar soe viement aganes hir and hir brother sone for that peace of land thai have of yow. I wald advyse yow, iff ye wald, nocht to tout with such folkis as thai, for I am assureit ye will gett the vtter [ma]ill of thame, and thanfore let noe heiring be of it for your awin honouris caus.

369. WILLIAM, VISCOUNT OF DRUMLANRIG, TO [JAMES JOHNSTONE of that ilk, his son-in-law]—Giving him advice about a matter of business. 18th January 1629.

SOONE,—Anent the last purpos we had in hand (till this frost be gone), thair can nothing be done in itt, except onlie to mak way for that whiche eftirward I howp salbe put in executione: and withall I have resaved adverteisment to be at Edinburgh, whiche I think sall cost me sum fyve or sex days staying thair. Whairwpon I haue tane occasione to gif yow yit sum ten or twelfe days moir tym of breathing, into that whiche ye remember wes concluded to expyre on Monday nixt. So haveing this muche moir tym then we did immagein, if ye do not find sum effectis of the manifold promises that hathe bein maid to yow, then neid ye never think any moir of it, nor expect any further at thair handis, who so oftin have dissaved yow. Thus trusting ye wilbe fairfull to sture your tym the best ye can, I rest, your verie loving father,

W. DRUMLANGRIG.

Drumlangrig, 18 Januar 1629.

I think, God willing, for oech I know, abowt the . . . of this munthe to be bak, bot let this rest to your self.

370. SIR ROBERT KERR of Anerain, afterwards FIRST EARL OF ANCRAM, to JAMES JOHNSTONE of that Ilk—Expressing his sincere friendship. 12th April 1629.

SIR,—This is only to take the occasion of this honest young man, the Laird of Mekle-dails soun, who told me he was cuming in the country, therby to assure yow that, howsoever I do not wryte often, yet I do forget no cause of kyndnes that is between yow and me, cyther by blood or alliance or kyndnes with your worthy father, which I shall never forgett above all other obligations ; or iff your busines cum in my way, yow shall alwayes fynde, or any that belongs to yow, acording to my power. My Lord Somerset and his daughter are in good health and in more happy estate, in my opinion, then he was in all his greatnes, and she is both good and welsanord. So, seing yow are so wyse a man as to betake yow to your owne home affayres, I wishe yow all domes-tique happiness, and rests your assured frend and seruand,

S. Ro. KARE.

Whythall, 12 Apryle 1629.

If yow can do this young man any kyndnes, he behaves himself so wele in his service heir that it will be wele bestoudd.

To my honorable frend, the Lairde of Johnstoun.

371. THE SAME to THE SAME—That he would defend him to the king, if necessary, and assist his friends. 5th June 1629.

SIR,—The first word I have to wryte in assure of your lettred is to give yow thanks for your fauour to this old man, whom I recommended to yow, and I would yow had sent Gawin of Ridhall to me too, but no man can avoyd that end which God hath apoynted for him, yet I do wonder that yow have no more fauour from your father-in-law, as that he should not be eager agaynst those whom yow would defend, at least some of them, or so noted a man of your name as he was. As for my Lord Traquair, a man may pund for debt but not for vnykynes, nor can a man quarrell a judge for these acts which they call justice : butt I think my self so farr behynde with him and will mend it as I may. For your owne busines, wheras yow feare yow ar com-playnd of to the kyng, for my owne paire I never heard such an inkling, and iff I did, be sure I should stand vpp in your defencē very stisly ; therfore never trouble your self nor put your self by your dyet to cum vpp heir for the matter, what ever it be, but first be sure it is so and what it is, and send me word of the particulars ; or if I hear them first, I shall send for yow if need be ; but till then stirr not, for his majestic is more just then to condemne a man vnheard. And for this bearar Dryffe, there is

nothing to be doun butt that he do not venter, as I am always affrayd they will be nibling, and iff any body persew him hotly, send him over the marche eyther to some acquayntance of yours or to my brother William, who can conceale him long on eyther syde the border ; or as I heare from yow I will send him to some of my frends of that other syde till I be aduertised farder ; and then I shall do the next best, which I ca[n] not goe about till I see out of what [airt] pursute cumis ; for there is no talking of [a] generall pardon from the kyng, and it is to as litle purpose that such an old man as he cum doting along hither where such men and his regraits are not vnderstood nor cared for. If he were my oncle I could give no other counsell nor present help concerning him, and when he needs I will assist him all I can, and in any thing yow haue to do be sure yow shall alwayes fynde me your assured frend as any of Anandail to serue yow,

S. RO. KARR.

Greenwich, 5 June 1629.

To my honorable frend, the laird of Johnstoun.

372. JOHN MURRAY, EARL OF ANNANDALE, to JAMES JOHNSTONE of that Ilk--As to the latter's purchase of lands from Lord Herries. 1st November 1629.

RIGHT HONORABILL COOSIN,—I receued youris off the second of October from this beerer, by whiche youe acquaint me off the bargain betwixt my Lord Haries and his sone, the Master, and your self, for his landis in Annandaill ; and that youe thinke I ame acquainted withe it and what bande youe haue giuen to Sir James Baillie for the money dew to me by my Lord Haries, and that Sir James should reporte my assignment to my Lord and Master off Haries for his escheett and lyferent, and all that hes folloued upon that dett ; and youe haue giuen your bande to Sir James Baillie for the money as borroued, thoghe yee knoue it is dew dett to me, and Sir James bound to reporte the assignatione before the last of September ; all whiche Sir James acquainted me withe bothe before I had your letter and since. And if in this bissines I cannot doe as youe desyre, and Sir James presses me, yett I hope when youe knoue the reasons, youe will not take it euill ; for this last yeer, about Christenmes, the Master off Herries beeing heer withe his vncle, my Lorde Nithisdail, my brother was then suitting me in this bissines of his and his fathers, and thoghe I had some bissines of my ounе withe my brother att that tyme, yett I refused him, and prouised to the Master of Haries to keep it for him till Whytsonday, he then payinge me my money ; whiche I did accordingly, and was one of the first, by meanes of these that did for me, that delt and gaue way for his protectione, prouydet I gott my money, and from tyme to tyme heard houe the bissines went. Upon the first of July Sir James Baillie acquainted me that hee feered

the bargaine woldc goe backe betwixt my Lord Haries, the Master, and yow, be reasons of the purginge of the inhibicions and comprysings, my brother still beeinge earnest withe me, and I feeringe to be delayed as I formerly was, endlet withe him. And when Sir James Baillie came heer I tolde him I could not doe what I wolde haue done before that. As for your bande, I am not myndet to take any aduantage off it, nor doe I looke yow will take any off Sir James Baillie for my cause, seeing I stand bound to releue him, bott this I hope shall breed noe questione betwixt yow and me ; for yow may bee confident I must keep to the laird of Cockpuill, and doe for him what I can, seeinge I am younge laird, and if it doe not concerne him or my self, yow may be assured that no other in these paertis can make me bott, as I haue been, remain your louinge coosine to serue yow,

ANNANDAILL.

St Martins Lane, 1 Nouember 1629.

To the right honourabill my louinge coosin, the Lairde off Johnstone, these.

373. SIR ROEEET KERR of Ancram to JAMES JOHNSTONE of that Ilk—Of his desire for a friendly meeting. 18th September 1630.

RIGHT HONOURABILL,—I have very good reason to take wele this great kyndnes of yours, and the payns of putting your seruand to cum so farr to me. And be assurit I would be as glade to see yow as yow can desyre, but I am not maister of my dyett, nor do I know yett wher I will be the next day, scarcee ; for your seruand hath found me at an empty and desolat house. This week I will be in Lothiane, but where I will stay I know not my selff, but it will be eyther in Edinburgh, or about it, in Newbotle, or Whythill, or with William Murray at Naytown. If yow haue busines there, yow will quickly know wher I will be, and I will cum to yow anywher on the least word from yow. After that I will hast all I can to see my Lady Marquise of Hamilton, and for that cause will goe first to my sisters, the young Lady Lees at Castellhill, besyde the Leye, and when I am there, I will wryte to yow that at some place there abouts I may meett with yow, to save your labour of cuming farder ; and, or it faille, I will cum to yow to any place yow will apoynt ; for, God willing, before I goe I will meett with yow, for I long for it as much as yow doe, that I may confirme to yow all the kyndnes I owe yow both by blood and particular respect to your persone ; and this I will show in any thing I can doe for yow, as your loving coosen and seruand as much as any Johnson in Annandail.

S. Ro : KARR.

Ancram, 18 September 1630.

To the right honourabill the Lard of Johnstoun.

374. HUGH, VISCOUNT MONTGOMERIE of Airds, to his wife, SARA, COUNTESS OF WIGTON—Complaining of her long absence from him, and sending her some strong waters. 7th March 1631.

RIGHT HONNOURABILL AND DEIRLY BELOWID HART,—By your letteris to your freindis heir it appeirris that ye ar informid that I am seikly, quharof ye desayr to be aduertereised, for that if it war so, ye, my hart, woold presently com hetheir what watheir soewir it war. I could hef bein bettir satisfeid that ye, my hart, had keipid that to your self, in regard that our best effectid freindis, by all that heiris of ws, ar (not without caus possessid) with a oppiniowne that ye, my hart, heth newir lekin or contentment of my companei, no, quhillist I am in helth, and that, heirring of my seiknes, ye sould be so ernist as to presipitat your self to ane em[in]gent dangerus jornay for a weisseit in my seiknes (a confortles weisseit to trewly effectid luferis). No, my hairt, what thois that ar so possessid with the first oppencowne would mak of this otheir, I leif the sensour may be mad of it to your approweid ingsiment; and for that my desayris ar that ye, my confort, sould so settill your self and your turns thaer that that sosiete and confort that we ar tayeid the on to the otheir might be with such a mytnall ber-monei conteneweid and confermeid, that this so gros and rae[r] ensainpill of our extrawagencies might ewancis; and that we both might approwf our selfis to be fathfull, lowing and trew confortteris on of anotheir durring the small remender that is reservid for ows (leist a wore insew to both our discontentis). I will be satisfeeid, therfor, to beir with this grewows occasiowne of discontent for yowr absenc for a tym, that therin ye may mak such a full and fenall settilling of thois occasiowns ye hawe thaer, that we both may inioy the confort of on anotheirris compane. The respect that I hef to the doctour is for that he is a Mexwell, and heth good partis in heim. God hes so blissid me with the helth of the bodei (God mak me thankful) that I hef no ows of medescin. My ewir hopfull confort, I persaw that ther is no hopis of settilling betuix the erill and yow, so as theis your hopfull dochteiris ar lek to hawe no confort from yow. Wald to God that I could suplei both your defectis. My hart, I hef sent your hore to yow, and such a on as I hop will gif yow content in all, safing in his cullowr; if nocht, he will both dissawe and discontent me. My harte, thaer is a miserabill and lamentabill accident fallin owt to auld Achinneill, that will infore me to keip the gennerall assayis at Krag-fergus the 24 of this instant; and I hef also on occasiowne of my awin that I most keip the assaysis at Downe, for the quhilk sittis the 4 of Apprayll, so as by Godis favorabill assistanc I intend to be at Downeskay the 10 of Appreill (so God grant a saf passag), to see quhat conclutiuone I can mak of that fekles bulding I hawe ther; and in attending, my hart, your pleisowr conserneing your presene heir (quhar as ye ar so

mych langid for). As conserning my actiounis in law, I dow nocht dowt ther ewent, altho my aduersareis dow postpone tyme and drayf me to chargeis. My hart, being tow weill acquantid with your extraordener spaer dayat, and that this lentren tym myis yow to a harder, I hef sent yow a small supplei of strong wattiris of Doctour Maxwell his making heir in your awin towne, and thay ar als good as amy in Londowne, intretting yow to mak ews of them (as, or if, ye respect me) to confort that stomak of yourris that hes a frawerd gardean. To conclud, if our nobill, generus, and most lowing sone, the Lard of Hempisfeill, or amy vtheir of your nobill freindis, by thaer convoy hetherwart, will gres your jornay to theis powr cottagis ye hef heir, lat mestir James be aduertissid what ye wald hef downe ; that sinc ye ar nocht destitude of prowesiowne heir, that ther may be so mych sent to Downskay as ye thinkis nessisare for that place, for this will auauer for it self. This, hopping that quhatsoewir is insert in theis laynis schall be constroweid in the best sence as commeing from him that, tho he be agetattid and tossed with ma[n]y dywers and most important motiounis, yeit and still in the singilnes of hart and all trew affectiowne as he is, so shall he ewir approwf him self, your ledeiships fathfull and ewir lowing husband to be comandeid,

MONTGOMERIE.

Newtowne, this 7 of Marche, 1631.

To his right honnourabill and his onle and deirly belowid ledei, the Countes of Wigtowne and Veiscowntes Montgomere of the Greit Aerds, theis.

375. SIR ROBERT KERR of Ancram, to JAMES JOHNSTONE of that Ilk—About Lord Herries' business. 5th February 1632.

SIR,—I haue gotten assure of one lettre from yow about Sir Richard Grhames busines, but not about that I wrote to yow about my Lord Herris, between whom and yow I would fayne do good offices ; and therfore I pray yow that iff it be nott too farr to your prejudicee, that yow will lett matters lye over between him and yow till yow and I speake togither ; or ells, if it be a thing yow can not do, wryte me such an assure as I may show him, that he may know I haue dealt earnestly for peace between yow ; and that he blame not me that vnder my dealinge he hath gotten the worse measure. So refering that to your discretion, I rest, your loving cosen and seruand, S. Ro. KARR.

Whytehall, 5 February, 1632.

To my honored frend, the Larde of Johnstoun, in Edinborough, or at his house in Anandel.

376. SARA MAXWELL, VISCOUNTESS MONTGOMERIE, to her husband, HUGH, FIRST VISCOUNT MONTGOMERIE of Airds—As to her procedure in the case of her daughter, and that she would come to him shortly. 24th August 1632.

MY VERIE HONORABILL GULD LORD AND DEIR BERTT,—I did resseave your lordshipis letter, bot could not at that tyme ansour the circumstancies thairof for lack of tyme ; for I was presently goeing out of the towne when as your lordshipis sone George come thair, whom fra I did resseave two letteris of your lordshipis, on to that erewell Lord of Wigtoun, [the] vther to my poore sorifull doghter, who is so distractit from me be the tyrranie of that . . . of hiris, that it doeth me much greife. Bot I am goeing on the best I may for the help thairof, when as it pleasis God to grant the successe thairof, your lordship soll be farder aequentit. I find my Lord of Annandill hath showine your lordship these passageis we had befoir the counsell ; it is treuth that lord was much peiteit, and I gat hard justice. The reassoune was I might not show these warrandis I had till requyre my doghter, but only vpon my motherlie cair of hir, quhilk was nocht thought sufficient ; iff I might have showine hir letteres writtin be hir awine hand it wald have done the turne. Bot so long as shoe is in his company I must keepe theme back for hir farder hurt. Nochtheles I must acknowledge that your lordship giveth me more and more occasiou to think vpoun your manifold favours towardis me and myne ; and soll be maist willing till show myselfe so dewtyfull to your lordship and all your childareine as becometh, so far as I am able. I have nocht as yett lettine these lettres your lordship wryte goe to that lord nor to my doghter. Bot is awaiting what effectis this purpose I am vpoun concerneing my doghteris releife out of that bondage shoe is intill may take ; for I haue vsed the likeheid of hir libertie to come from the kingis majestetis direction to the counsell that shoe may be exhibeit befoir thair lordshipis to declar hir awin will, quhilk I know shoe will expresse plainlie, to be frie of his tyrranie and in my company. I am in hopes till haue this back betuixt and the counsell day. And so to quhilk tyme I must stryue till haue patience.

It seameth by your lordshipis letter that ye haue beine so bussiet vpoun your many great occasiounes that short tyme ye tuike for Irland, as also the dispatche of your sone to his woyage did constraine yow to come ower agane, quhilk I am sorie ye soould haue takine so great paines to your self, bot that I find those thingis could nocht be done without your awine presence ; God grant yow confort thairoff, and in ewerie thing ye haue to doe. It seameth ye ar causing your workmen goe on both in your building and theikine of your gallerie att Dunskey. They ar necessarie thingis to

be outride, seeing ye have put theme so far agait. Bot I am suire they ar greit chargeis vnto yow quhilk now can noght be helpeit ; bot your lordship most compleit thame, as ye haue done many greater turne.

Quhreas your lordship pleasis to have me settine doun the preseis tyme of my returne, assure your selfe ther sall be no idle tyme spent be me heir, bot so soone as I am able to gett that bussines of that poore confortles doghtere of myne put to payut, ther sall no vther thing withhold me ; bot I sall conforme all my vther bussines that I may come shortly thereafter quhair ewer your lordship is. And thairfoir let me intreate yow meane na such thing as to truble your selfe to take so extraordinar trevallis ; for I wald rather, iff ye war in the fardest pairt in Irland, preise my selfe to come vnto yow befoir yow sould truble your awine persone so greatly as to come heir. So this being all that I can say for the present, bot expecting to heir from your lordship with the first occasioun of your lordshipis guid helth and contentment of all your great effaires ; for ye will ewer find the occasioun from your port to Druna-freis. I remain, your lordshipis loveing bedfallow to be commandit,

SARA MAXWELL.

Lochwoode, the xxiiij of August 1632.

To my verie honorabill guid lord and loveing husband, my Lord Viscount Mount-gomerie of the Great Airdes, these.

377. ROBERT JOHNSTONE, author of "Historia Rerum Britannicarum," etc., to JAMES JOHNSTONE of that Ilk—With news of proceedings at court. 20th September 1632.

NOBLE SIR,—My dutie and seruice remembered. I caused direkte his majesties letters written in the behalfe of the Countesse of Wigton wnto Mr. Alexander Johnstone, with the coppie of the same, to bee sent with expeditione to your honor. Soe I hope yee haue receaued them before this. Since my last I haue noe subiecte to aduertisse your honor. Mr. Pots, master of the kings hounds, is welle recouered, and doth attende his maiestie al this next October at Newmarket, where your smalle freinde intendeth officiouslie to attende. Soe I ame persuaded, if hee renewe anie thing against your honor, it wilbee obserued and answered. But I doe heere hee doth relente in his malice. Now, sir, let my ladie, your mother, wryte wnto the Vicounte Starlinge, whoe is your assured freinde and doth muche honor and respecte her ladieship for her honors kinde offices to his daughter, the Ladie Mongomerie. So, wisheing increase of honor

and happiness, I humble take my leaue and doe rest, your honors most humble seruant,

ROBERT JOHNSTONE.

Londone, the 20 of September, 1632.

To the right honorable and his most respected freinde and cheife, the Lairde of Johnstone, giue these.

378. WALTER, FIRST EARL OF BUCCLEUCH, to JAMES JOHNSTONE of that Ilk—The business of the latter with Drumlanrig. 11th October 1632.

COUSIN,—Whan I recevett your letter, my Lord Traquare vas with me, and after we spaik a lytell off' the busines betuixt Dr[u]mlaurig and you, viche I remett to meting. I shall nott fail to be att the counsall daye for your busines, or in ony other place whair you have adoe and take my parte in it ass your cousin and reell frind,

Burklethe

Newark, 11 October 1632.

To my asseured and respected cousin, the Laird off Johnstoune.

379. ROBERT JOHNSTONE, the historian, to JAMES JOHNSTONE of that Ilk—As to the controversy between the latter and his father-in-law, William, Viscount of Drumlanrig. 12th December 1632.

NOBLE SIR,—My dutie and seruice remembered. I dide aduertise Mr. Alexander Johnstone of the deliuernace of your letters directed wnto me, and the greife of your freinds toucheing the controuersie arryseing betuixt yow and your father-in-lawe; and dide interpose my opinione in the cause that the prioritie of title wes in your aduersarie, and the case doubtfull, and so dide wishe ane ende rather by mediatione of freinds then tryall in lawe, because the euent of pleaes are doubtfull; all which things I dide hope hadde beith imparted wnto your honor, wntill I receaued your last letter, with one inclosed to Sir Robert Ker, which I furthwith deliuered. All that your freinds heere can contribute in this particulerre is that noe bade impressione be made or informatione wnto his majestie, whome yee haue formerlie tryed to bee your iust and equitable soueraine, and doth leawe all such controuersies of particulerre interests to the decisione of the lawe. Your coumone freinds are sorie suche differences soulde arryse, and doe

knowe howe the respecte of particulerre benefite is prædominate in your allia, and doe fear passione and impatientie in your selfe ; which they hope yee will moderate, considering the tymes wee now liue in, in which a foxe skinne is better then the lyons. Alsoe, I humblie thanke your honor for your former curtasies and your memorie of the naige, which about Whitsoneday next wilbee soone enough to send, if then a fittie opportunitie presente. I can newer acquite my selfe of the great number of obligations which tye me straitlie to your seruice, besyds your fauors and curtasies. Finalie, I remitte the occurrences to rumor and relatione. One of our higher planets is ouercluded. His ecclips maye cause the deminutio[n]e of a good freinde of yours in all your causes, and laitelie in this controuersie befoir the counsell. Soe, wisheing the powere and abilitie to doe your honor anie acceptable seruice, and assureing yow to effectuate anie thing in my powere, I humblie take my leawe, and doe rest, your most humble and affectionate seruant,

ROBERT JOHNSTONE.

Londone, the 12 of December, 1632.

To the right honourable and his most resp[ected] cheife, the Laird of Johnstone,
giwe these.

380. HUGH, VISCOUNT MONTGOMERIE of Airds, to JAMES, LORD JOHNSTONE—
Expressing his regard and affection. 28th August 1633.

RICHT HONORABLE AND MY VERY GOOD LORD,—I receaued your lordshipis letter, and by my freind, Robert Montgomerie, I am at the full informed of the cair and travill that your lordship hes takin for his sones releife. Sone, I hop yow ar not of that mynd that I should insist, or with multitud of complements endeavour to requyt your favours, seeing all that is in my power, since I am certainly perswaded that yow ar assured that there is nothing in my power that will not be extended to doe yow honour and service, or to any else haueing relatione from your lordship. This, resting to the opportunitie and occatioune offering wherein I can endevoure to approoff my self, your lordshippis, in all true and inteire fathery affectione to honour and serue yow,

MONTGOMERIE.

Newtoun, this. 28th of August 1633.

These ar to intreat yow, noble sone, to remember my affectionnat ductie and service to your lordships most honorable and vertiows lady, and to your most hopfull sones and remement childrin.

To the right honorable his verry good lord and beloued sone, my Lord of Johnstone, thess.

381. ROBERT KERR, EARL OF ANCRAM, to JAMES, LORD JOHNSTONE—As to the latter's dispute with his father-in-law and desire for an increase of title.
15th May 1634.

MY LORD,—I have gotten two letters from yow lately ; one was aboutt these matters between my Lord Queensbery and your lordship, wherin iff frends to yow both can not settle these maters between yow, the kyng will goe no farder then the law. If yow compleane of any judge or aduocat doth yow wrong, and will stand to it, in that ease his majestie will do yow justice ; butt for vnykynde and rigorous dealing, iff it be by the law, the kyng, as he doth justly, is sett to give all way to law, and he can not stopp it, and therfore even Coshogle, also in greater distress, must vndergoe the most violent of his cosens humour. Therfore lay your count eyther to cum to your ends by frends or law, or to sitt doun behynde hand.

As for your other desyre about encrease of title, there is no tyme for it yett, it is so shorte whyle since his majestie shutt his hand. Your lordship was too long in starting : therfore till the tyme ofter agayne, take that yow have gott in good paire, thogh yow be farr more worthy then many who have gott itt, and be sure iff ever I can sie the tyme proper I shall not loose it, but putt in for yow by my best means, as your lordships loving seruand,

ANCRAME.

Court, 15 May 1634.

Your other letterre for your minister or Bishop Alexander, he that is my Lord Sterlings cosen and hath maryed my Lord Carlils neice, neids not vse his eloquence to so powerles a man as I am.

To my very good lord, my Lord Johnstoun.

382. ROBERT KERR, EARL OF ANCRAM, to JAMES, LORD JOHNSTONE—Of the conduct of Lord Johnstone in reference to Lord Balmerino and Lord Torthorwald. 15th October 1635.

MY LORD,—I confess freely to yow that iff I had not found yow in so good an action as this about my Lord Torthorrell I should have scarce gotten my pett at yow so easily aff, which I tooke on for your caryage in my Lord Balmerinees busines. Butt therof I will not wryte, only I will keepe my thoughts to tell yow when your lordship and I meett. Meane whyle for this concerning my Lord Torthorrell, I shall be glade to see your fathers sonne able and willing to assist his, and do it lyke your father,

manly and constantly. Yow have a very good assister of Lodouick Carleile, and I shall play my part harteley for it as wele agaynst your lordship as for it. So I rest, your lordships to command,

ANCRAM.

Roystoun, 15 October 1635.

To my very good lord, my Lord Johnstoun.

383. HUGH, SECOND VISCOUNT MONTGOMERIE of Airds, to JAMES, LORD JOHNSTONE
—Inviting him to the funeral of his father, Hugh, first Viscount Montgomerie.
6th August 1636.

MY HONORABLE GODE LORD,—It pleased God to spare my late lord and fatheris tyme, till he performed his last respectis wnto my ladie, your lordschips honorable mother; and then he was pleased to bring him home to his owne houss, thogh he fell seik by the way, where after a schort tyme he maid a glorious end. Now I haue resolved to performe my last dewtie wnto him by solemnizing his funerallis vpoun the eight day of September nixt. My lord, thogh I wold be loth to be troublsome, yet I wilbe as loth to forgett any pointe of respect I owe yow; and thairfore I haue thought it my parte to intreate your lordschips presence at that actioun, if it may stand with your lordschips conveniency. The tyme I know is somewhat inconvenient, but trewlie we could haisten it no sooner; and thairfor I must intreate your lordschip to excuse me in it, and that yow wilbe pleased to let these present my service to your lordschip, to your honorable ladie, and to my honorable sister, Ladie Jeane, and that yow wilbe pleased to esteme of me as of your lordschips affectionat brother and servant,

MONTGOMERIE.

Aplebill, the 6th of August 1636.

To the right honorable and his verie gude lord, my Lord Johnstoun, these present.

384. JAMES, LORD TORTHORWALD, to JAMES, LORD JOHNSTONE—Requesting the
loan of six hundred marks. 25th August 1636.

RIGHT NOBLE AND MUCHE HONORED,—My lord, pleis your lordschip, my sone being wrgit to end with Mr. Alexander in respect the schipe whairin he was to mak woyage wes in redynes to tak saill, is notwithstanding at my desyre to remane heir to I heir fra your lordschip; and therfor my humble requeist is that your lordschip will pardone if he did not end with Mr. Alexander, as your lordschips benewolence and former

kyndnes, or my deutie towards your lordship dois requyre. For I must aknowlege that I ame bund to your lordship abowe my present abilacie, and that I and al I hawe or may aquyre, suld be redie to requyte your lordschips favour ; throughe experiance of the quiche I am confydent that your lordschip will not deny me this on favour, quiche I hope in God sal be the last wntil such tyme al be recompencite. My lord, therfor I ernstly intieit your lordschip that yow wil ether send in the some of saxt hunderethe marks, as we war agriit wpon, be Mr. Alexander, or aue warrand to resawe it heir ; and my sone Williame sal be bund as cationer for me, and I and he sal be bothe bund as of befor. He dois protest to keip honest deutie to your lordschip, come of me quhatt so wil ; and I know he may if he war quhar he was. I hawe causit Mr. Robert Darlling wryt the samin band and asignatione of new agane, as it was of before ; quiche bothe I and my sone sal suberywe, and delywer the bands at the resait of the mony. And sua hoping your lordschip wil be plesit to aduanc me with this helpe now in my extrimatie, and that the samin sal be aue meine to ataine the way, be quiche I may prowe thankfull for al the curtacies and causes of good deids quhairby I stand gritly oblisite ; sua, expecting your lordschips anser in al haist with this beirer, I most humblye takis my leif and rests, as I sal ewer contenow, your lordships lowing eusinge, in al deutie to serwe yow,

J. L. TORTHORALL.

Edinbrughe, this 25 of Agust 1636.

To the right noble and his muche honored gud lord and his lowing eusinge, my Lord Jhonstoune, thes with trust.

385. JAMES, THIRD EARL OF HOME, to JAMES, LORD JOHNSTONE—Desiring him to be cautioner for him to the Earl of Lauderdale. 17th September 1636.

MY WERIE HONORABILL LORD,—I haiv takin the occasion with this bearer to acquaintt you that I haiv ended with my Lord of Lauderdaleill, and am to pay him tuo thousand pund sterlinc for my self, and should giu him surtie therfor. I lykvays vndergo for my Lord of Murray that soum, which he should pay to my Lord of Lauderdaleill, and my Lord of Murray giues me an discharg of that which I pay for him. My Lord of Traquair told me he was to dynu with your lordship on Monday, and he will desyr your lordship to subseriu that band which I am to giu to my Lord Lauderdaleill, both for my Lord Murray and my self : wherfor I mak bold imtreat you subseriu cationer, for ye ar liberat so muche of your former ingadgment be this cours, and my eussin Wedderburn and Aytoun shall be cojunct with your lordship. My lord, I intend shortlie to cum my self and receav your lordships commandements, and shall think it

an were great testimonie of your lordships respect to me to imploy me in any servie, wherby I may witnes my thankfullnes for your lordships vndeserved favors to me. Thus hoping your lordship will not refus, with assuranc you shall sustain no loss, and fearing to troubl yow, I rest, and shall ever remain, your lordships most affectionat cussin and servant,

HOME.

Kelso, the 17 of September 1636.

To my wereie honorabill good lord, my Lord of Jhonstoun (according to your lordships aun directions), these.

386. WILLIAM CHARLTON of Hesilside to JAMES, LORD JOHNSTONE—Of goods alleged to be stolen by Simon Armstrong. 14th October 1636.

RIGHT HONOURABLE,—I received your honours letter yesterday concerninge goodes stollen from some of your honours tennantes, which I perceiue by your honours letter they alleadge to be done by a tennante of mine, one Symond Armestrange. Vpon your honours letter I presently sent for the man, and spoke with him concerninge these goods your honour wrote for, and hee doth absolutely denay the knowing of either stealing or receittting of any of them ; so I shall entreate your honour to be pleased to put the matter to a iust tryall, which I make no doubt but your honour will see done ; for I will neuer beare with a thiefe, and if he be such a man, I shall either make him answereable to the lawes, or otherwise hee shall haue no lande of mine. But your honour shall finde mee readie to the vttermost of my power to doe you the best seruice, in this or anie other matter, so farre as I can be able to doe your honour seruice. So, erauing pardon of your honor for this my bouldnes, I humbly take my leaue and rest, your honors humble seruant to be commaunded,

WILLIAM CHARLTON.

Hesleside, this 24th day of October 1636.

To the right honourable my verie good lord, James, Lord Johnston, at Loughett, these deliuer.

387. JAMES MURRAY, VISCOUNT OF ANNAN, afterwards EARL OF ANNANDALE, to JAMES, LORD JOHNSTONE—Suggesting arbitration regarding their respective claims to the lands of Morewhat. 3d November *circa* 1636.

MY LORD,—I haue a great regret that businesse does so presse my returne to Ingland, that I cannot haue the happinesse to see your lordship. I thought at my being in the country to haue requested your lordship in a particular that touches my kinsman,

Morewhat. One of my inducements is the respect I beare to your lordship, which will not admitt any who has a relation to mee to bee at any contest with your lordship so farr as I may remooue it on their syde. The other is my fathers and my owne interest in that land which you haue hedd him in sute for, which right of his belongs to my father as I am confidant your lordship is or shall easily bee informed of. Therfore, that ther may arise noe more difference, and what is mought in a kind way bee remooued, I should earnestly desire ther mought bee a reference to two lords of the session to decerne the justnesse of the title, and according to their decreet to acquiesce. I haue desired the lard of Lagg to deale in this with your lordship. Hee will make my mind better appeare to your lordship then I expresse it. And if your lordship bee pleased to satisfy the justnesse of my desire, that man shall behauie himselfe in a dutifull manner to you or I will disclame him ; and in what I may serue your lordship you may commande euer, your lordships reall servant,

ANNAN.

Edinburgh, 3 Nouember.

For my much honoured lord, my Lord Jonston.

388. LIEUTENANT-GENERAL PATRICK RUTHVEN, afterwards EARL OF FORTH, to JAMES, LORD JOHNSTONE—That the queen and council of Sweden wished the writer to stay in that country. 11th June 1637.

RICHT HONORABLE AND WORTHIE CUSING,—These fewe lynes ar to acqwaint your lordship wtih my proeceedings, whairof I hawre no reasoun to compleane in thir pairts ; for I am made so hartelie weilcome and als honorablie entertained as ewer I was. The cawse of my longe staye is the great desyre that the qwein and state hes to continewe me in thair service, wtih the offier of great and honorable conditions, whairunto I feir I hawre maid more as hallfie aue promeis, and the moir willinglie becaus his majestie is to hawre aue hand in the bussines. I am to be dispached this day or to morrowe first for Dutcheland, and from thense for Ingland, wtih the letters and instructionis to his majestie, from whence I shall adwrtise your lordship of all things at lenthe. Richt honorable cusing, my greatest desyre is to do yowe serwice, wishing bot the occasione as I hawre willingnes therto, which shall newer be wanting. Remember my best respects to my mistres, whom I hope to see shortlie, and excuse me at my Lord Humes hands for not wryting, bot I shall mend that fault shortlie aither be my letter or my persone, God willing. Our affairs in Dutcheland stand

weill, and heir is newlie ane supplie of sax thowsand men sent ower. Nocht ells bot remembering your lordships healthe and all vther good freinds, I shall ewer remaine, your lordships affectionat cusing to his power,

P. RUTHUEN.

Stokholme, 21 Junii 1637.

To my richt honorable and worthie cusing, my Lord Johnstoune, these.

389. ROBERT, EARL OF ANCRAM, to JAMES, LORD JOHNSTONE—Regretting lack of entertainment, and as to Lord Balmerino's case, etc. 22d October 1637.

MY LORD,—I take so kyndly your courtesty cuning to me that I could not deferr my thanks till our incuming to London, which I did in no sorte express by your intertaynment; for besyde the meannes of your Frydday at nyghts ill cheere, yow rose next day, as I was told, without a fyre, and I doubt scairee with a candle in the morning, yow were vpp so airly, and would lett none in to yow, thogh there were of your countrie men waytting at your doore till yow were ready to be gone; of which my wyfe was so ashamed thatt wce can not bothe make yow a sufficient apologye because yow would not stay thatt wee myght haue made yow an amends acording to our respect to your degree and worth. Butt it is not by these circumstances, which the indiscretion of seruants may spoyle, thatt I will shew your lordship and all yours the constant frenship which I owe from father to sonne, tyed and confirmed by our allyance since, wheroft my sonne at home I hope will acquitte himselff, and those I have heir shall be taught the same doctrine to do there dewty to your lordship at all occasions. As for these jealousyes that past about my Lord Balmerino, I know your lordship will take in good paire my freedome rather to vent the worst of it then keep vpp in my mynde any grudge. Your appology to me is more then aneugh to grubbe them vpp by the roote on my paire, and certayuly they whom theye did more particullarly concerne are wyse to take them in the best sense. As for my Lord of Somersett I know him so wele that I dare an[suer] he hath yow in the same esteeme [that] he should have to your worthy fathers sonne; and as he was the most deere to him [o]f all his kyndred, so he hath good r[ea]sone to be glade that his place is so wele filld by your lordship, who can so rightly keep vpp the honour of your blood; and I shall, by all the trust I have among them, or in the place where God hath putt me in, be alwayes ready to give yow proof that I am, your lordships most loving frenf and seruand,

ANCRAM.

Court, 22 October 1637.

Iff your lordships affaires requyre you to goe away befor I see yow, make no

ceremony to stay for me. I have nothing to trouble yow with more then I have said, but the delyvering of this lettre to my sonne when yow cum home, at your leisure, and that you will give him good counsell to be wyse in these stirrs at home.

To the right honorabill my Lord Jhonstoun.

390. JAMES, THIRD EARL OF HOME, to JAMES, LORD JOHNSTONE—Regretting that he has been challenged for a debt due to Lord Lauderdale. 26th July 1638.

MY WERIE HONORAEILL LORD,—I hear my Lord Launderdaill hes chargit your lordship as catiener to him for me. My lord, I am wereie sorie your lordship should be troubled in sutch a kynd for me, bot I intreat your lordship not to think that it is any fault or neglect of myn, for I was readie to hau payed him at this term, bot his lordship was and is pleased to craiu eight thousand merks of annwelrent mor then canne be dew to him, and the chaing which I hau reccaued is for threescor sex thousand merks, wheras the principall soun is threescor three. And on his so bas dealing I hau suspended for this tym till I shall mak it knoun what he is, so your lordship neids not to troubl your self with it; and I intreat your lordship not to tak it ill sinc your lordship knoues the caus that he is not satissfied befor this; bot against the nixt term he shal be payed, and so your lordship releieu.

My lord, it is your lordships tym to attend on Monday first. I knou till now ye hau not bein acquaint therwith, wherfor I am desyred to adwertish your lordship to be heir against that tym. As for news, the marquess intends to be hear sooner then his appointment. I, for my oun paire, am not confident that matters will settl. Ther is sum letters cum doun within this tuo days shouing that we neid expect nothing bot the worst, and that the nobilitie of Ingland hes undertakin wereie fairlie, and wpon ther promises, wheras the king was befor discontent and melancholy, that you he is very weill pleased of all. For news I hau no mor to acquaint you with. My lord, I hau no complements, and if I had I wold reseru them for wthers, and I shall stryu to giu testimonie of my reall respects, and desyr I hau to do you seruic as your lordships faithfull cussin and serwant,

HOME.

Edinburgh, 26 July 1638.

For my wereie honnorabill lord, my Lord Johnstoun, these.

391. THE SAME TO THE SAME—Referring to a report that a protest had been signed in Glasgow, favouring episcopacy. 27th July 1638.

MY WERIE HONOURABILL LORD,—I had writtin to your lordship with your seruant befor your letter which youe sent to the Hirsill can to my hands. My lord, I assur your lordship I shall be werie sorie to knou your lordship to be in Lauderdale his rewerene, or in any wther mans, for my caus. My lord, if Lauderdale (as I did wryt to your lordship befor) had bein in any sort reasonable, I had satisfied befor this tym ; for if I could help it I should be debtfull to no man, and speciallie to him. He is an man that I am not much obliged to, and I will be loth to let him haue any mor of me then is dew to him. I haue no news, only in Glasgow ther is two or three ministers, notwithstanding they haue subscryued the covenant, they haue draun wp an protestation or declaration declairing the episcopall government to be laufful and necessar, approuing the fyw artiels, and that they will not tak airms neither offensiу or defensiу, and this they haue subscryued. Bot in my opinion, from the begining of all thir businesses we haue not hard of so daingerous an peice ; wherfor ther is sent from this to them tuo nobl men, Montgomery and Yester, with tuo barons, tuo burgesses, and tuo ministers. What success ther iorney shall haue I knou not. My lord, though I am not abl to do you seruic, yet I houp your lordship will not imput it to any unwillingnes, bot to my missfortun, which shall never haue the pouer to mak me forgett the dutie and respect I owe your lordship, as I am your lordships faithfull cussin and seruant,

HOME.

Edinburgh, 27 July 1638.

My lord, lett thes prent my seruic to your lady.

For my werie honourabill lord, my Lord Jhonstoune, these.

392. GRISSEL JOHNSTONE [LADY VANS of Barnbarroch, younger] to JAMES, LORD JOHNSTONE, her nephew—Asking his advice about sending her writs to Ireland. 10th September, *circa* 1639.

RIGH honorable and loving eme, my love being rememberit to your self and your bedfelow, yea sall witt I haue receuit ane letter from my husband to your lordship ; and he hes wryttin to my self that his father and sundrie of his freinds hes mett in Ireland, and haue not sortitt veric [weill] vpou thair particulars, and he hes wryttin to me to send him sundrie of his wryttis, quhilk I perceue by his letter is all to giue till his father ; quhilk, I think, giue he gett in his handis he will mak ane short cut of all.

I will desyre your lordship till aquant me with your advys in this, and send vp the young man to me with all deligene, for I heir by ane man of mine that is come to Meddmill they ar mindfull to comprys all my plenishing that is within the plac. I haue send your lordships letter to my sone, and I perceue by his answar with Robert Herrsh that [he] hes no will to meddle with the lifting vp of thes mouters quhill he and I conferr vpon that matter; sua I sall aquant your lordship shortly how he and I condescendis at meiting. Not trubling your lordship with fardder for the present, I rest and ever sall remaine, your most affectnat and loving ant till death,

GRESSELL JOHNSTON.

From the Meddmill, the tent day of September.

To the honorabile and my loving enie, my Lord Johnstoune, thes.

393. JAMES, THIRD EARL OF HOME, to JAMES, LORD JOHNSTONE—Calling him brother, and as to the progress of the negotiations with the king. 6th October 1640.

MY LORD, AND BROTHER, for which styl I owe yow mor thanks then I can express, and sinc yow haue been pleased to honor me with it, I must intreat yow it may continew; and withall (thought I haue not had the happines to be the beginner) that yow will think I conceaued (neither do I) my interest to be greater to my oon brother then to yow, and, *dum spiritus hos regit artus*, it shall be so. As for news, we know not what effect our meiting will tak; as yet maters goes smoothlie on, and many ar confident of peac; bot my iudgment is so weak, and the busines so great, that I dar not giu my opinion, housumeuer the wysest shall not wish it better. Truly I am wereie sorie I cannot haue the happines to wait on yow so soon as I could wish, which I houpe ye will not tak ill, seing I cannot command my selff, except it be to do yow serwie, which shall not be any mans power to hinder. What I haue professed and expressed now I am wereie sorie I haue non to subscryw to it, bot so soon as they cum in the world, I am confident they will haue an natural inclination (as I haue) to be your lordships brother and serwant,

HOME.

Newcastle, 6 October 1640.

My lord, nothing has been spoken concerning your lordship when I was present. If ther had, I should haue maid you an account.

For my wereie honorabill lord, my Lord Jhonstoune, these.

394. JAMES MURRAY, EARL OF ANNANDALE, to JAMES, LORD JOHNSTONE—Asking him to superintend the burial of his father. 12th October 1640.

MY LORD,—Thes tymes past the generall stopp of writing is an excuse to my not writing to your lordship, and now I ame to acquainte you with my present affliction, the late losse of my father. I ame confident your lordship will bee very sensible of this newes, for hee truly did respect you. I haue now sent his body home to lye amongst his predecessours according to his owne desire. I was resolued to haue accompanied it for the solemnity of his funeral, but ther are so many hinderances happined that it lyes not in my power at this tyme to discharge that duty. I should willingly entreate your lordship, if your other occasions could spare you, to performe that last honnour as to see his body carried to the church, and for the safe conveying of it into the country, I doe rely so much on your lordships friendship as you will giue your assistance thervnto; what you will bee pleased to express in this occasion of kyndnesse shall receiue in all tymes a very reall acknowledgement. I leau all further particulars to my cusin Mongo Murrays discourse, who comes now alongst for the friendship that has been kept betweene our houses and betweene our fathers, and from myne to your lordship. I purpose, God willing, to keepe the same footstepps with you and yours, and your lordship shall fynd noe where more hearty loue and respect then from, your lordships very truly affectionate friend and reall servant,

ANNANDALE.

London, 12 of October 1640.

For my much honoured lord, my Lord Jonston.

395. FRANCIS, SECOND EARL OF BUCCLEUCH, to JAMES, LORD JOHNSTONE—Desiring the continuance of the old friendship between their families. 20th October 1642.

MY LORD,—I receaued your lordships letter, which shows me the willingnes of your lordship to continow the ould freindshipe which hath bein betwixt our predecessors in former tymes, which trewly for my owne pairet it shall in noe kynd faile in my syde. As for the busines yow haue written concerning [my] Lord Nithsdail I shall informe my selfe [the] best way I can that (against any tyme I haue the happines to se yow) I may what is in reasonne striue to giue your lordship satisfacione. So till that tyme and euer I rest, your lordships cusin and seruand,

BUCCLEUCH.

Branxholme, the 20 October 1642.

For my verry noble lord, my Lord Johnstoune, these.

396. JAMES, LORD JOHNSTONE, NOW FIRST EARL OF HARTFELL, TO FRANCIS, EARL OF BUCCLEUCH—Questions at law with Lord Nithsdale. 4th October 1643. Copy.

MY NOBLE LORD,—If it had bein my fortune to have knownen of your lordship being at Langholme I wald have waited on yow with a weric good will, yea and shall wish yow als much prosperitie and happines as any Scot in Tiwidail or any whosomewer, not oulie in this bot in all yow have. My lord, I think it is not vndoukenen to your lordship, or *aft l*[east] to a great many of your freindis, what questions [of] law hes bein betuixt my Lord Nithsdail and this . . . [Ja]mes Johnstoun of Dardurrane, his vñquhill goodshir and father, and ar yit depending vndeideid. Since so it is, I am more then confident your lordship will not wrong him, seing nothing shall be demanded for him bot in reasone, till first your lordship hear his freindis.

My lord, I must beg favour to returne to my awne particular, whilk I think about a yeir agoe I did acquaint your lordship of by letter, my vndoubted right to the bandis of Knoke; now since it is fallen in your lordships handis and that yow will be my pairtie be all appearance before any farder be, out of that diewtie of love and nature I tender and ewer shall to your noble familie, [I] craue your lordship wald be pleased to appoynt a tyme in Edinburgh towardis this approaching terme that freindis or lawers may hear ws, for I will ewer be sorie to haue questione with your fathers sone by any man breathing, as I thin[k I] did declare in my former. Therfore your lordship may be confident my greatest ambitione shall be to give your lordship reall testimonie that I am howewer the world goe, my lord, your lordships affectionat cusing and humble servand.

Newbie, 4 October 1643.

Indorsed : Coppie of a letter sent to my Lord Buckleugh, 4 October 1643.

397. JAMES JOHNSTONE, SECOND EARL OF HARTFELL, TO SIR JOHN CRAWFORD of Kilbirnie—Expressing a desire to continue and strengthen the friendship between Sir John and the writer's father. 12th June 1653.

MUCHE HONORED,—The obligationis yow laide on my deceissed father does equallie tye me withe thes ar wpon my selfe, whiche tho in any correspondentt way I be wncapable to requytte, yett I shall never be wantting to expresse a thankfull and freindlie acknowledgementt and resentmementt of your wndeserved favouris wherin I can serue yow and your noble ldy and fauiliie. And tho the Lord hes beine pleased to remoove some interest among ws, it shall be my ambitione and happines that the cordis of freindship

and affectione betuixt ws, being more strenthned and confirmed, may make wpp that losse by the continuance of that wnchaingable correspondence I know was betuixt yow and my father, as I am confidentt of a muttuall inclination in ws bothe towards this; so am I of the Laird of Lusse and his lady, that thay will make the thrid partie to whom I presentt my humble service, desyring I may be so fortunatte as to haue ane oportunitie affoorded me that I may evidence (according to my pouer) how manche I am thers and your faithfull freind and servant till deathe,

HARTFELL.

Lochwoode, 12 Junii 1653.

For the right honorabill the Laird of Kilburnie, these.

398. COLONEL WILLIAM JOHNSTONE of Blacklaws to JAMES, SECOND EARL OF HARTFELL, his brother—The losses of his regiment in Catalonia.

Camperdone, in Catalonia, this 2 March 1655.

MY DEAR LORD AND BROTHER,—No remeounter shall oblige me to neglect my dutie to your lordship. To importune yow with a relatione of our crosse fortune . . . in this countrie, I presume wer to add to . . . afflicted. I shall within this three weeks return for France for the recruits of our regement, which is totallie ruined. Ue haue lost aboue 500 men since our entring hear; with much adoe I stryue to keepe the man to the foore . . . rander yow seruice. My collonell is at comt indeauouring to haue us to serue elseuher. Ue shall haue 600 of thos men ar banished from Scotland for our recruits also, which I hope will put our regement in pratic posture if ue could but once atrap them. To demand any grace from yow or charitie is lost labeur. I haue in many of myne intreated a litle money, but no returne. I am farr from any recentement, but am sorie my necessities should oblige me to be troublesome to my frends. The bearers parting and the enimies aduance obliges me to cut short, only I intreat the fauour to be kyndly remembered to all frinds, and if yow will doe me the fauour to returne me litle money, if I liue it shall be a perpetuall obligatione vpon, my lord, your lordships affectionat brother and humble scruitour,

DE JOHNSTOUNE.

For the Earle of Hartfell in Scotland, these.

399. WILLIAM DOUGLAS, FIRST MARQUIS OF DOUGLAS, to his son-in-law, JAMES, SECOND EARL OF HARTFELL—Regarding business matters. 19th March 1655.

MY LORD AND LOVEING SONNE,—Yours on Saturday late I resaved with one from Mr. George Blaire to yow. I have by the bearer sent yow my Lord Queensberries

band, the seasing following thairpon, and my wyffes renunciations of the infestment bearing a discharge for the whole soume. And seing I cannot gett Mr. William Somervell sent to your meeting att this tyme, be reasoun of many bussiness thatt I have to doe this week, I desyre yow to retire from Mr. George Blaire my band graunted to Francis Killoch, and if the same be registratt, a discharge be Francis to me ; also my band to William Huntare of Tounheid, with ane other discharge be him (both bearand registrations) if the same be registratt. You have the just double of the accompt aggriev'd to be Mr. George Blaire, and whatsoeuer he shall questione thairintill yow may give assurance to cleare itt. I know he will crave a right from me to £40 which Tounheid tooke more of annual rent from me then was due. As to thatt, Tounheid's discharge quhairin he oblidges himselfe to allow the forsaid £40 in the nixt termes annualrent, the same is in Edinburgh, with the process that I had against my Lord Queensberrie and the letters of horneing, captiue, arrestment, and others which I shall send for uith the first occasioune and deliver to yow vpon demand. As for the chaires contained in the compt, since I passe from the penultie of the band, and shall, if need be, particularlie instruct that I have given oult more then I have sett doun in the compt, I should uish there werre no more speaking of itt ; for I have passed from too much (yea, to my oyme prejudice) for shuning debaitt with my Lord Queensberrie and for getting the remaines to yow in your thank. My wyfle has resaved your band subscrivit be your selfe and Corheed, and hes caused insert the daitt and wittness to Corheeds subscriptioun. If the compt requyre any further than my memorie serves me to att this tyme to be performed by my Lord Queensberrie, I hope yow will see to itt. And seing I should have had bands att Mertinmess last for the 5000 merks, according to Mr. George his aggriement be the accompt, and that now I am willing to take band for itt att Candlemess, and so losse ane quarters annualrent, I hope he will the more chearefullie give you contentment, and nott be so grosse as to demand itt annualrent free ane other quarter for your respect ; which truelie, if he require, I will never condiscend to. This is all I can say to the particulaire att present, and rest, my lord, your lordships loveing father,

WM. DOUGLAS.

Crafurd, 19 Martij 1655.

I doe request yow to keip thur letters, for I am affrayed George Blair will schofell yow of thus bussiniss at this tyme.

Sonne Hertfeill, I haue taikin notice of your nouels as werie grat once ; I entreatt keip queitt til it spreid by others. I haue non at all, but upon Saterday last ther came some letters out of Edinburgh to me, with ane jurnall which yow may receiue, that it dois hint at some thing of this bussinis.

To my noble lord, the Earle of Hartfell, these.

400. JAMES, SECOND EARL OF HARTFELL to HEW SINCLAIR—As to his efforts for obtaining a remission of his fine from the lord protector. 24th July [1655].

HEW,—I receaved your last with one from Mr. Howard, and hes delyvered his to my lord protector this day, withe a new petition. I am this night or to morrow to atend his ansaer, whiche I feir beis the same I formerlie apprehended : for I fynd my counterman (yow may know whom I meine), he who shairede deiplie of my last fyne, hes desygned withe him who is wrytten to by Mr. Howard for agentting my bussines to obstruct any favour was promised or intended by his highnes. This I fynd of treuthe, and seis no lyklihood of doing any good at all wñles Mr. Howard were heir himselfe, for thys tuo hes posessed the Inglishe councell, so that nothing from me can disposesse them of ane opinion thay have of my abilitie to satisfye and deserved suffering ; so that I sei not a way wnder heaven to preventt the certificacione. For monay I can not lay dounce a coursse for it, exceptt freinds wold lay ther heids togither and everie one advance a shaire in so greatt ane exigency, whiche by my last I hintted at. I haue had 3 bills for that monay from the governour, bot none answered. I dee muche admyre it yow wolde speike aboutt it, that I be no longer disappointted ; for as I am honest, this monthe bygone I have beine straitted. I must omitt all other particulars, being just now to atend at Whythall, tho, I thinke, to small purpose. I haue wrytte to Mr. Howard that four of the councell may be wrytte to, whiche yow may mynd him of for a return nixt post : so rests your loving maister,

HARTFELL.

Jull 24, from Mr. Mikles, in the heid of Shando Streitt in Coven Gardine.

For the Countesse of Hartfell or Hew Synklaire, these.

401. WILLIAM DOUGLAS, FIRST MARQUIS OF DOUGLAS, to HENRIETTA, COUNTESS OF HARTFELL, his daughter—Requesting her to procure a call to another parish for Mr. Archibald Inglis, minister of Douglas. 31st July 1655.

MOST LOVEING DAUGHTER,—I am certainlie informed by those who knowes the state of the bussiness thorowlie thatt now is the only tyme for yow and others thatt hes interrest in your vacant parochines to procure a call (according to your former purpose vnto Mr. Archibald Inglis, minister at Douglas) from Mossatt ; (or if it shalbe found thatt the ministerie in thatt bounds be very headstrong against the same), from some of the most considerable of your other churches thatt are att present without a minister. The reasone is because the sinod of Glasgow hes long since declaired him transportable from Douglas ; and lykewayes some of there most eminent members hath latelie written

very ample recommendationes in his favouris vnto severall boundis where there are vacant churches ; so that it is most probable he will have ane vnaminus call ere it be long from some of those places, which he will not gett shunned to imbrace. Therfore, for the respect I beare to the young man him selfe, and because of the rubbes and disadvantages he hes alreadie sustained alreadie for my interrest, my earnest desyre is thatt foorthwith ester sight heiroff, with all possible expeditioune, whill the young man is frie of engadgements elsquier, thatt yow vse all possible meanes to procure tuo vnaminous calls, viz., one from Moffatt, and if that relish not weell, butt the presbitrie be found to have a designe for some other vnto thatt place, thatt another call be readie from the nixt best of your vacant churches. Now, before thir calls be presented to the presbitrie of the boundis, first be way of supplicatione from the paroch, recourse would be had to the presbitrie thatt they would wrytt to the presbitrie of Lanark and to the young man himselfe for a hearing of him, thatt if ester hearing they be satisfied with his gifts they may give him ane vnamous and compleet call. And lykewayes before the call or supplicatione be presented to the presbitrie it is most necessarie thatt some of the boundis (whence the call comes) who hes most power with Mr. Samuell Austin, first of all haue there recourse vnto him, showing him the purpose and desyre of the paroch, and labouring to procure his assistance ; because he is the man who in name of the comittie of the sinod of Dumfreese hes his correspondence with the presbitrie of Lanark, and in particulare hes resaued a recomendatione in Mr. Archibald Inglis his favouris, [s]o that if he can be persuaded (as it is probable he will) to comunicatt the knouledg which he hes of him thatt way vnto the presbitrie of the vacant churches, togidder with his oune favourable recomendatione, there is no questioun butt it will tend exceedingly to the effectuatting of the bussiness. Thus, after advyse from these who knowes the right way of goeing aboutt kirk matteris, I have sent this expresse on purpose, and does expect your diligence in itt by the helpe of those aboutt yow that can act itt, as yow would doe a pleasour vnto, your most loveing father,

W^m. DOUGLASS.

Crafurd, last July 1655.

Because your husband is absent, faill not to impart this to Hew Sinclare, and put him awork to goe aboutt this diligentlie, in regairl I know he is not only intrusted with your husbandis other affaires, but with whatt concernes these vacant churches also. This from your mother and me.

W^m. DOUGLASS.

MARIE GORDONE.

For my daughter Hartfell, these.

402. JAMES, SECOND EARL OF HARTFELL, to LADY HENRIETTA DOUGLAS, his countess—That he has presented twelve petitions, and is now about to return home from London. 7th August [1655].

MY DEIREST HEARTT,—It is impossible to satisfye yow with the reasone of my staye att suche a distance, bot onlie this much I shall say, that if my bussines were not one of the neirest and highest of my concerneiments, the pleisours of this place wold not have allured me to stay one weike, nather any companie I am withe; for the Lord is my wittnes, I had never lesse contentement in any. However I am so resolved now, seing all meinis and wayes hes beine wsed in my particular, tho fruitles and ineffectuall, to haist homeward suddainlie, and yow may expect, God willing, this to be the last from this place. Onlie yesterday I receaved that monay from the Governour of Carleille. I can wrytte nothing to Hew Synclaire at this tyme, being to waitt this afternoon for ane ansuer to ane petition, I may call it, the last of a dozen since I came heire. Mr. Grahame does basile me exceedinglie for wantt of his monay. Lett thes be impaittred to Hew. Praying God for a happie meiting, I am, yours till deathe,

HARTFELL.

7 Agust. From Mr. Mikles, in the heid of Shando Streitt, over against the round courtt in Coven Gardine.

I have beine and am at muche trouble by the wantt of a servant. George hathe beine verrie sike thir 3 weikes, and not lyke to recover.

For the Countesse of Hartfell or Hew Sinclair, these.

403. SIR JOHN GRIERSON of Lag to HEW SINCLAIR, chamberlain of the Earl of Hartfell—As to the prosecution of Macburnie, the parliamentary commissioner, and other county business. 5th September 1655.

DEAR HEW,—I ame indead sorei that I had not the good fortune to sci yow yester-night. I knew Corhead gane yow ane truw acount quhat past at Drumsfreis. Craigdarought and I went in obedience to their order to Naward Castel, and efter we had shonen him¹ how verei sensibell the nobeilmen and genteilmen in this cuntre wer of his favours to vs, soe we beged, seing our natione wes soe happei as to haue him to be a cunceler, the continowance of his respects, which wes most cheirfullei promiseid. As to Makeburneis bussines, we earied it one tuo ways, ane as he wes ane enimei in

¹ Charles Howard of Naworth, afterwards Earl of Carlisle.

his hart and actiones to the present goverment ; nixt, as ane whoe has injured the shyr by exacting vast sumes of monei frome them, which wer as yet vncounted for. As to the first of thes, I hooke the indelosed, which is sent yow to make yes of against him by your self or the shys agent, aither to the indgis or cuncel, with his other leat prancks, wil doe his turne once for al. But returne the letter to me, it bearing sumequhat in the cloes anent sume money of Musholds which he medelit with at that tyme. For the second, I can ad littel to the committie letter ; onlei I hooke yow wil be acteine that he may be keiped fast til the cuntrei be hard to geive ane charge against him, and they satisfied. The other concernments of the cuntrei ar left totallei to your cair, onlei my opinione is, if yow make ane handsume adres to the judgis and Lockert, with this letter against him, it wil render them al his enimeis. Present my serveie to ald Jakei Dailzel. I wishe he had brocke his neck when he hurt his leig, and thanke Robein for his kyndnes. My best respects to the tuo ladys ; and beleine I ame vnchangablei, your real freind to my puer,

LAC.

Rockel, 5 September 1655.

For his affectionat freind, Hew Sinclair, thes.

404. HEW SINCLAIR, chamberlain of the Earl of Hartfell, to JAMES GRAHAM at Moffat—To assemble the tenants to the funeral of Lady Margaret Johnstone. 16th October 1655.

ASSURED FRIEND,—Yow must take pains to call the officers of Moffet paroch and direct them to advertiss the best of my Lord Hartfells tenents, such as thes in Polmoodie, Coryffen, Caplegill, Rivox, Moshops, Nether Blaklaw, Greinhill, Midlegill, and your selff, to come hither to Kirkmichall vpon Fryday nixt be two a clock in the afternoon, that all of yow abone exprest may atend my Lady Margaret Johnstoun her corps to her buriall place. Yow must likways causs Adam Glendinane advertiss thrie or four of the best of my lords tenents in Kirkbraidrig, with ther best horses, to come hither at the tyme forsaide. They may all come togither by apoynting ane place of meating amongst themselues. Expecking your cair in this, I am, your assured friend,

HEW SINCLAIR.

Kirkmichall, the 16 October 1655.

Yow may causs them stay a littell distance from the houss when they come hither, that they doe not throng in vncivillie.

For his assured friend, James Graham at Moffet. Haist thes.

405. LADY HENRIETTA DOUGLAS, COUNTESS OF HARTFELL, to HEW SINCLAIR—To attend the presbytery at Westerkirk. 12th November 1655.

HEW,—I sent for Herbert Irving this day, and spoke to him in reference to that busines of Mr. Archbald Inglishes, and desyred to know of him the answere of the presbytery, which he shew me was only a delay, till the nixt day of their meeting, which is on to morrow come eight dayes at Watstirker, quhair I should wish yow were with Herbert against that day, according to Herbersts promise to them; which is all at present from your friend,

H. DOUGLAS.

Newbie, the 12 November 1655.

I pray yow labour so to dispose of the affaires in the head of the countrey as that yow may assuredly attend this meeting, for he showes me the brethren are desyreous yow should be ther.

Send for a litle Flanders lock and two bands.

For Hew Sinclair at Moffet, thesc.

406. THE SAME TO THE SAME—To seek out an overseer and officer for the barony.

23d November 1655.

ASSURED FRIEND,—I desyre yow will cause make search in the head of the countrey for some honest fellow who hath skill in husbandry for to be ane overseer off our workers in the barronic heir and officer; for this simple body, Jordie, who hath now that chairge, neither is willing to undertake it longer, and is altogether unsitt for it. If yow shall find out one fitt for that imployment, I pray yow let him be haisted downe, which is all at present, from your assured friend,

H. DOUGLAS.

Newbie, the 23 November 1655.

I hane received from Adam Lowdane these two glasses of oyle was writt for, and 3 ells of the half-breadth of Deucap taslitie.

For my assured friend, Hew Sinclair, thesc.

407. LADY MARY GRAHAM of Netherby to JAMES, EARL OF ANNANDALE AND HARTFELL, her brother—As to her interview with Lord Lauderdale, and about the execruty of Colonel William Johnstone, their brother. *Postmark, January 12, [1664].*

MY DEAR, DEAR BROTHER,—I wonder in yours I receiv'd one Wednesday last that my answer to your first was not come to your hands, which was a full acount of what past betwixt my Lord Laderdaill and me concerning yow ; since I have not sen his lordship, nor hes indeavoured it, till I hear from him, which he promised me should be so sune as he was in any probabiletic to serve yow ; so I will not sen in the least to mistrust him, since he so frankly promised he wold remember yow. I wold not hav yow beleive bot your standing and your family is of mor concerneint to me then my nicitie, which my ounre particular wold hardly mak me doe it, bot yours shall not mak me scruple at any thing. I hear my Lord Twadail is come. I desire yow to writ to him, as allso thanks to my Lord Laderdaill that he remembers yow, which yow understand by me his sence of your condicione is werie great. Things goe [s]trangly hear. Ther is noe other way bot by them to doe any bissines. I much wonder yow mentioine nothing to me of your Sweden bissines. Wase writ to yow abowt it particullarlye. Yow must ether tak som speedie corse, and send a man and the bonds, together with the womans disowning that right she hes given to ane other, and a letter to my lord ambassoder, wherin yow must resine full power to act in it as if yow war ther ; and all those things must be consulted hear, and the bonds registered for fear they should be losst ; and then we must indeavour to get the kings letter in your behalfe. All this must be speedily done befor the ship gos away, which must meet my lord ambassoder at Rega in the midle of March. I desir yow to consider, and if yow think to doe any thing in it, mak noe delay bot send the bonds vp in the mintyme ; and if I can doe it without a servant going, I will indeavour it ; bot till the bonds and the right yow have from the woman com, I can not tell what to writ to my Lord Carlill. I suppose yow may meet with som sur hand to send them by. My humble service to my lady marquesse and my dear sister. I pray God mak hir a joyfull mother, that I may have the happenes of a nephew, which may bear the name of my dear brother. I will give yow noe farther trouble, bot desir to hear from yow as sune as possible, what-euer your commands ar shall be obeyed as near as can be, by your affectionat sister and servant,

MARY GRAHME.

One Thursday last my Lady Tillibarne died.

My vncle hes ben extream ill this thre weeks, bot is better now.

For the Earle of Anandale and Heartfell at Lochwood, to be lefft with the postmaster of Edinburgh in Scotland. Post paid, 4d.

John
My lady chamberlaine
Paulle

My Draft

Dresden 28
Nov: " 1830

You are still living Hanoverian supporting the
Saxe-Coburgs who is in possession of the
Brockles Guards Commonwealth as our last intelligent
news. I think other day we shall hear about
the marchioness Cheshire, what else can
affection tell shall know it by our express -
send the one left to Castle Raffalz. My Draft
I have no more to say. God pray for a
happy and grand meeting and am

My Draft

Your own full brother
Emmanuel

408. JAMES, EARL OF ANNANDALE AND HARTFELL, to LADY HENRIETTA DOUGLAS,
his countess—That he expects orders to march towards Clydesdale against the
covenanters.

Drumlangrig, 28 November 1666.

MY DEIRESTT,—Wee ar still lying heiraboutte expecting the generalls orders, who is in
persuite of the rebels towards Carnuathe, as our lastt intelligence beires. I think this
day wee shall have order to marche tenwards Clidsdale. What ever we resolve yow
shall know it by ane expresse. Send the inclosed to Carleille hasteli. My deiristt, I
have no more to say, bot pray God for a happy and speiddei meitting, and am, my
deiristt, your oun till deathe,

ANNANDALE.

For my Lady Annandale, haiste.

409. THE SAME to THE SAME.—That he is marching to Crawford.

Drumlangrig, lastt November 1666.

MY DEIRISTT,—This day wee intend to be at Craffordde, and from thence wee will not
stirre till wee have the generalls expresse order, whiche wee hourlei expectt; and wherof
yow shall have ane accountte withe James Carruthers, whom I keipe till I sei whither
wee be called to the army or not. Thir letters shuld have beine sentt yesterday, bot
was forgotte be my man. I wonder yow sentt me not a wholl shirtte. Ther is not a
wholle bitte in this I have heire. Pray yow, my dcire, make tuo new ones, and haistte
them to me, for I shall lceive at Craffordd, wher to be founde. And send tuo or threi
quaire of common paper, withe a stike of waxe. If wee be not called to the army, I
howpe in God to be shortlei withe the, and soe, my deiristt, wishing a happy and
speiddei meitting, I am, thy oun till deathe,

ANNANDALE.

A littill more cannell watter wold doe weille.

For my Lady Annandale. Haistte.

410. JOHN, EARL, afterwards DUKE OF ROTHES, to JAMES, EARL OF ANNANDALE AND
HARTFELL—Professing his willingness to serve him.

Agust 5th, 1667.

MY LORD,—It wes my inelynation to have wreattin to your lordship befor this, but your
affaire not goeing so weell as I could have wished, I thought it unnecessary for me to

trowbl yow. However, I have many witnesses that can testiflie how fathfull I have
beine in that particuliare to yow, though the succes hes not beine answerabill to my
endeavourues: and your lordship shall never have ground to question my redlines to
serve your interest with all the might and power I haue, which whill I live shall
allwayes be assidiously performed by, my lord, your humble servant, ROTHES.

For the Earle of Annandale, thes.

411. THE SAME TO THE SAME—That he will attend to his claims upon the
Buccleuch estate.

September 3, 1669.

MY LORD,—I receaved the honour of on from yow, and as to what yow expect off
mony from the esteate off Bucclugh, ye need not at all qwestion but my Lord Weymisse
and my self will fathfuly concure in it to make it effectwall. And in all things ellis
wherin I can serve yow or your interest shall allwayes be assidiously performed by, my
lord, your humble servant,

ROTHES.

For the Earle off Annandale, thes.

412. THE SAME TO THE SAME—That he had received the earl's letter,
and hoped to see him in town soon.

July 13th, 1670.

MY LORD,—Your letter cam to my hands just as I was siteinge dounie in councell, and
did judge it would make a noysse if it should haue beine made at this tyme publick,
so I weaved it and laid it assyd. And the councell not beeinge to site till the next twsday
com a sinete, beffor that tyme I hope your lordship will be heir, and give ws the
happines of your company. The commissioner is to be at Yester wpon the morow
aught dayes. This is all at present from your humble servant,

ROTHES.

For the Earle of Annandale, theis.

413. JAMES, EARL OF ANNANDALE AND HARTFELL, TO LADY HENRIETTA DOUGLAS,
his countess—That he is pressed with business and for money, and about her
daughter's health.

Eddinburgh, 24 January 1671.

MY DEIRISTT HAIRTTE,—I wonder muche I have not heirde from yow since pairtting,
I am so muche toyld and vexed withe bussiness that wntes it pleis the Lord wonder-

fullei to supportt me and provyde some remedy, it is impossible ather my boddy or spiritte can subsistt wnder sucht a weightt of affaires as daylie I am pressed withe. I told yow before I had wrytte to know how your dochter is. All the returne is that your not seeing hir forslowes hir recoverei. I pray yow lette it not lye on me, for if your going ther may advance hir healthe or your owne contentmentt, I am weile sattisfyed yow doe it any tyme nixtt weike yow pleis. For I am involved in thes difficultyes that God himselfe onlei knous when I shall gette from this place; nay, eveine so much as without hazard of breaking to gette over the water for 2 dayes. I know yow wantt not monnay to carry yow ther, and Im sure yow may gette Essheisheills, Bryce Blaire, Robine Ladre, Hawis, or any other to come out withe yow, for it is impossible I can spaire James Carruthers, who hathe not yett depurssed the halff of the littall monnay in respectt non will take ther anuelrentts who presses for ther soumes, and thes who were payed anuel rentts to Candalmesse lastt will not take it till after this Candalmesse. For Gods sake, if any thing can be done for monnay, as I wrotte befor to Essheisheills, lette it come alongs. I have sentt yow the key of my kistt to looke the tuo shottles in it for some dischairges I payed of anuelrentts for the Marquisse of Douglasse to Sir John Gilmoore and the Lord Buirlie. Yow will fynd them in one of the shottles. Bring them out if they can be fallen on. So praying God to bliss yow and the childrine, and to send ws a happy meitting, I am, your owne till deathe,

ANNANDALE.

For the Countesse of Annandale. Haiste.

414. THE SAME TO THE SAME—To bring or send him some papers.

Edinburgh, firstt Februar 1671.

MY DEIRESTT HAIRTTE,—It scimis my lastt hathe not come to your hands that I have had no returne to it, for by it I was sattisfyed (if yow had a mynd) withe your comming out, as I an still. Im sure yow may eiseleit gette people to come out withe yow. I heire by my Lord Lindsay, who is now in toun, that your dochter is prittei weille recovered. I sentt the key of my kistt to gette out sume dischairges of monnay I payed for the Marquisse of Douglasse. I desyre not onlei thes, bot Mr. John Strugeonis papers may come out. Thay ar in one of the shottles. Lykwyse cause execute the councells letters againstt Beattoke and the witnesses. Cause Mr. John Carmichell, who knoues the witnesses, summond them againstt Thursday the 9 instantt, and send them out withe ane expresse, I meine the letters and executionis, befor the councell day, if yow come not yourselfe. What I wrotte in my former concerning the pressouris of my bussiess and aboutt monnay, I neide not repeitte knouing yow will

mynd it, and so I shall onlei pray the Lord to blisse yow and the childrine and send me a happy sightt of yow, and whyll I breathe continow, your oun till deathe,

ANNANDALE.

I have gotte no ansuer from Corheid and Westarhall. I know not if thay gotte my letters.

For the Countesse of Annandale. Haistte.

415. WILLIAM, EARL, afterwards DUKE OF QUEENSBERRY, to LADY HENRIETTA DOUGLAS, COUNTESS OF ANNANDALE—Of the business between her son and him.

Drumlangrig, 26 January [16]73.

MADAM AND DEAR SISTER,—Youris of the 10 curent I receaved last nyght, and should most willinglie wait vpon your ladyship, as ye appoyn, bot that befor receat of your comands I wes ingaged in busenes and appoyntments here, which will necessitat my stay till neir the midle of February; bot then at furthest I'l wndoubtedlie be in toun, and shall bring along my haill papers relateing to the busenes betuixt your sone and me; for as the delay therof will (at the long rune) be of no prejudice to me, so I desyr it speidelie closit that I may thereafter be in a better capaciti to serve him and his interest. Till I come to toune your ladyship will doe weill by Duke Hamilton and Earl Dundonalds advyce to think vpon a way how this setlement may be legallie mead, and resolve positivelie what lenth ye will goe in it, that at meiting ther may be no tym lost on theas heids. As to Mr. Chartouris busenes, I beg your ladyship, for tho poseable he may now be induced to delay till Witsonday, yet his rigeid humour is to be feared more then when we ar not capable to satisfie him. So I wishe he may be cleird afe now when money is among your hands. What comands your ladyship hes for me the beirer will get conveyed, and I hope ye have the justice for me to beleive, that I am in much sinceritie, Madame, your ladyships most affectionat brother and humble serveand,

QUEENSEERRY.

My most humble service to my Lord Lindsay and his lady, and my blesing to the rest of the childrein. I wishe your ladyship much joy of your young grandchylde.

For the Countes of Annandale.

416. SIR JAMES GRAHAM to JOHN FAIRHOLME of Craigiehall—An invitation to the funeral of James, third Marquis of Montrose.

Cannogate, 28 Aprill [16]84.

SIR,—The favor of your presence to accompanie the corps of the Marques of Montross from the watter near Kirklistoun, to Stirling, towards his burriall place at Aberuthven, on Fryday, the second of May nyxt, at nyne of the clock in the forenoon, is earnestly intreated by, sir, your humble servant,

S. JA. GRÆME.

The Laird of Craigiehall.

417. RACHEL JOHNSTONE, MRS. BAILLIE of Jerviswoode, to [MARJORY HAMILTON, LADY BAILLIE of Lamington]—A letter of condolence.

Jariswood, 14 April 1685.

DEAR MADAM,—I am very much grived at your loos, bot I hope and knowes ye ar so good a Chrestin as to know all is well don your good God dous. Ye have given your self and yours to God, so it becomes you and us all to submit to what he determinyens, be it never so fare contray our inclanations ; we shuld lay our hand opon our muth and be selant. A humbell soull is a submesive on. A suffering Chresten many a teim is a growing Chresten ; and if the inner man grow it is small metter what becom of the outward. Dear madam, this is presumption to me to wrett such to you who knowes better nor I can. I desyer ye may have a good care of your self, for nothing mor rady to mak you long of having of mor nor gref. I am ashamed of your kendnes ; it is much more nor I or myen deserves. Pray, madam, order William as a servant of yours and injoyen him to be bessy at his book. I hop he will not prove on of the worst of natours. God give him graes and wissdom to give the lerd and your ladyship no offenes, and to be kend and descrett to the yong lerd, and in all company to aquett himself lak a man to your ladyships sattisfaction and my comfort. If God will, I intend to put him to Edinburgh Collige ; bot I shall dou nothing with him bot with your adves. No mor bot wishes the blising of the most hy to be opon you and yours, and the comforts of his Spiritt, who only can comfort, be with you.—
I rest, madam, your obliged and humbell servant,

R. JOHNSTON.

Be plased to give my kend love and humbell duty to my Lady Enterken.¹

To my Lady Laminton.

Indorsed (apparently by Sir William Baillie of Lamington) : “Ane letter of the Lady Jaressuood, dated the 14th of Aprill 1685, to my veife.”

¹ Lady Lamington’s younger sister, Catherine.

418. SOPHIA, COUNTESS OF ANNANDALE, TO JOHN FAIRHOLME of Craigiehall, her father—Of the burning of the house of Newbie.

Kelhead, Desember 28 att 12 a'clock in the day [*circa 1685*].

MY DEAR FATHER,—I haue sent this expres to inform yow fullie of our misfortons, for I was afraide various reports might come to your ears of our dathes. I shall now give yow a truw account of our sad condishon, which is,—Yesternight, about a quarter after six att night, the L[ady] Apelgirth, the M[inister] of Commerreesees wife, S. Johnston, and I, wer sitting in the commissioners chamber when L[ady] Apelgirth said she found the smel of burning timber ; upon which wee all went to the high drawing room door, and ofering to goe doune stairs was almost choket, afer which the crey was given, and Mrs. Gray drew me doune stairs. We was nott all in the clos when the flains cain out att the Hart chamber windowes. Wee women fled to the barns, and be this time ther was a great manny about the fire, who did all lay in ther pour to save furniter, for the hows was past recoverie or wee knew, insomuch if wee women and barns had stayed a verry littel longer wee had perisht. The extorordinarie deliverance, of which God Alnichtie make ws neaver to forget, and make ws sensable that he punishes ws for our sins for which wee deserve much more. Sir P. Maxwel and Wasterhall, whom wee are verry much oblidged to, saved all that was posabill by going almost wher the flains was, throwing out furniter, which is eather spoild or brok. My lords manny was saved, butt M. Lyll and I had great losse of all wee had—clothes and all in the wardrop, for ther was noe help for annie thing ther, which, by reason of the work men being in the hows, was a greater loss nor the furniter of mannie rooms, having mannie things ther that wse nott to be ; and with great defickwaltie they gott the old tour saved, butt nott a bitt of the new hows. Soe yee may think what a miserable condishon wee are in, being forsed to flee for shelter hear, and non of ws having soe much as annie thing to keep ws warm when wee rod att ou a'clock in the morning. I dow belive, what [with] grieef, fear and ill wseage, I shall nott be soe well for a time. My lord is mightie tribled, and they think Sophia Johnston is in a feaver, the fire being begun in her chamber, she nott being ther after 3 o'clock that afternoon ; and all the servants sayes ther was noe fire ther thes 3 dayes exip tucken in that morning to tray if it smokt, and imeditlie tucken out again. If ther had been aunie drinking with ws this Crisannas I should a thought it Gods judgment one ws for soe great a sin, but ther was noe body with ws butt 2 or 3 nightbours, and my lord was resaving rent the most part of the afternoon, neather was annie body h[a]d driuk, and my lord, both then and euer since he cain from Edinburgh, I can bear witnes, hes neaver drunk annie.

My Lord

I thank you for the favor off yours off the
8th Current and am sorry I can returne you
nothing worth your while for I have not
been four nights from this place since I parted
with you nor have I seen the face off
a stranger hear except two nights my
Dramlangrig goes with me at the West from
his fathers house to see that my onlie
Concess he has been amongst my papers and
private busness and my Company has been my
Children. I do verrie cheerfuller submit to
my Wifes stay since you have been the reaason
off all and am mightlie pleyed with the expecta-
tion hearing fullie from you by her I wylle could
 finde a sure occasion to write fretil to you
by which I wold endeavor to give you some
account off the state and condition off this
Country

full I am told all letters are kept and
opened & whatever may be the fault of
this I am not ashamed to own that I will
upon all occasions where I may be called
sincere and honest lie before the King and
his Interest and I shall never let any
opportunity slip whereby I can evidence
this to the world when I can be affill
or serviceable to you I think your
friends command me for I will ever
contance in all sincerness

Your fathfull humble
servant and Cusom
CMDR

Londond Feb: 15 of 1685:
(42)

God pittie ws, for wee are left nothing. I haue nott soe much as a smok shut of night clothes but sum duds on me, pittiecot, night goun, hood or ridding goun, sadel, or annie thing; neather haue wee annie plas to stay in or a bed to lay in, soe that wee knew nott what to doe or what hand to turn ws to, soe that wee was forsed to lay upon ther honest folks; and how wee can be trublsoom to stay hear longer wee are ashamed. Wee are in such disorder our selfes, that non of ws can advise aneother, and are miserable att a lose what to doe; soe his sent this expres to give yee accompt of our lamantable condishon, and begg your best advice or assistance to tack soom eource with our selves; for if I wer going to annie place I have nott clothes to suplie me in the rod. I did nott think fitt to writ annie thing of this to my mother for fear of surprising her tow much, butt yow may tace your oun way of telling it her; begging your spifie answer in such a strait, and wishing that God Almighty may neaver trist yow with such a sore eros.—I am, and ever shall be, my dearest fatther, your unhappy obedient daughter,

S. Annandale.

Hennie is prittie well, butt Sophia is nott, neather am I, and I fear I will be hourlie worse, for I may visablie see Gods anger in this depensaison; and our otther loss, which is not compairable to his displeasour, is butt a green woond yett. My tears which hes wett this papper soe ofen, blinds me that I can say noe more. Adew, my dearest fatther, whom I thowght neaver to a been in a condishon to a seen or heard from. God make me to bear this paichentlie, which I willinglie doe for my los if I wer nott afryed of soom thing more if wee hardn our harts, which God grant wee may nott

My humbel deutie to my dair kind mother.

For the Laird of Cragiehall att Edinburgh, thes. Haist—haist—haist.

419. WILLIAM, EARL OF ANNANDALE [probably to PATRICK, LORD POLWARTH]—
Of his secluded life in the country. 17th November 1692.

MY LORD,—I thank you for the favour off yours off the 8th current, and am sorrie I can retturne you nothing worth your whill; for I have nott been foir nights from this place since I parted with you, nor have I seen the face off a stranger hear, accept two nights my Lord Drumlangrig wes with me as he went from his fathers houss to Edinburgh; soe that my onlie converse hes been ammongst my papers and privat business,

and my companie hes been my children. I doe verrie cheerfullie submitt to my wifes stay since you have been the occasion off itt, and am mightilie pleased with the expectation off hearing fullie from you by hir. I wish I could finde a sure occasion to worite frelie to you by which I wold endeavor to give you some account off the state and condition off this cuntrie ; butt I am told all letters are stopt and opened. Whatever may be the faitt off this, I am nott ashamed to oun that I will, upon all occasions where I may be called, sincerlie and honestlie serve the king and his interest, and I shall never lett ane opportunittie slipp whereby I can evidence this to the world When I can be usefull or serviceable to you, I think youl frelie command me, for I will ever continue in all sincerittie, your faithfull humble servant and cussin,

ANNANDALE.

Lochwood, the 17 of November [16]92.

420. CHRISTIAN LESLIE, MARCHIONESS OF MONTROSE, to SOPHIA, COUNTESS OF ANNANDALE—Desiring the loan of some plays or novels.

Kinrose, July 4, [16]93.

MADAM,—I render yow a thowsant thankes for your play, which is vere good, and I heve rettornead itt with the bearer, and if your ladyshipe heve eather enay mor good playes or novells which yow heve read, and will be plesead to lean them to me, I shall be vere fathefouell in restorenge, and teke it for a great faver, for they ar vere deverting in the contery. Your lord did me the honour to dayn hear yesterday, and was vere well. I hertely wished your ladyshipe had come alonge, for itt wold heve bin bott a devertisment in this good wather, and yow wold heve bin vere welcome to, dear madam, your ladyships most humble servant,

C. MONTROSE.

For the right honorable the Countes of Anandeall, att hir logeng in Netherayes Waynd, Edinburgh.

421. JOHN, LORD CARMICHAEL, to WILLIAM, EARL OF ANNANDALE—Death of John Fairholme of Craigiehall, the earl's father-in-law. [December 1693.]

MY LORD,—I had the honor of yowr lordships, and am exceedingly grived for the death of honest Cragiehall. He is mightillie regretable hear by all that knew him, and hes don most justlie in disposing his affairs, which maks his memorie savorie. If ther had been anie thing wirth wrinting I showlde not been so long silent, for tho the king heath got a full and particular accownt of maters and men, yet, after his old way, he keeps his meind to himself, which I suppose will not be known till Februar, for ther

is little expected to be don this moneth. But I assure yowr lordship Seeritarie Johnstown is in great favor with his majestie, and I am verie hopfull maters may goe to the satisfaction of honest men. I wish yowr lordshipe, my lady, and yowr familie all hapines and prosperitic, and to serve yowr lordship with all sinceritie shall iver be the indevore of, my lord, yowr lordships most faithfull and humble servant,

CARMICHAELL.

The kings affaers goe soe hear as will hav great and good effects abroad. The old laird gives his humble service to yowr lordship. Prince Lowis of Baden is to be hear shortlie.

For the Earll of Annandale, at Edinburgh, Scotland.

422. ELIZAETH, COUNTESS OF LAUDERDALE, to SOPHIA, COUNTESS OF ANNANDALE
—Condoling with her upon the death of her father, John Fairholme of Craigiehall.

Ham, January the 9th, [16]93-4.

MADAM,— My real respect and frindshipp for your ladyshipp and your oun family is such as might justly excuse this letter had it been sent sooner; but the truth is, I chose the delay till the extremity of that sorow was ouer, and that my lady your mother, as well as your self, might admitt of assurances of my real conserne vppon that subiect.

I hope this seueral occurences which hes falne out to your happiness, and so to my lady, your mothers, hes mitigated your sorow. I am sure it hes much my conserne, since the reason of fixing our greife is the vnsettled condition of the liueng. But nothing can be more our comfort then the assurance of the hapeness of our friends vpon ther turne of death. And now, dear madame, I feare I have kept you so long upon this subiect that I dare not inlarge so much as I would doe vpon the great satisfaction which I have receiued from the late degrees of thos marks of fauour which the Earle of Auandale hes most deseruedly reciued from their maiesties. I shall not trouble his lordshipp with letters till hee hes more leisure; and my earnest desire to your ladyshipp is this, that as I doe and euer shall retaine a just and a gratefull sense of the great honour which his lordshipp hes euer done me in all places, so shall it be my great imblition to be continued in his lordshipps frindshipp as I euer haue been; and highly obliged to your ladyshipp for takeing me to be worthy of contributing to the same.

Madam, I am the Earle of Anandals and your ladyshipps most humble and obliged seruant,

ELIZ : LAUDERDALE.

I desire my lady, your mother, may accept of the assurance of my sincare respect.

423. SOPHIA, COUNTESS OF ANNANDALE, to ELIZABETH, COUNTESS OF LAUDERDALE
—In reply to her letter of condolence upon the death of her father. [January 1694.] Draft.

I MUST believe, my dear Lady Elizabeth will requir noe excus for my long silence, nor putt annie bad construction upon it. The loss of the kindest of fatthers has now soe quit stupiefied me that I am noe more capable of annie thing butt mourning with my poor afflicteed mother. Your ladyships advies is good and kind, butt imposabll to be putt in practiese in such a cas as ours, tho' I wish with all my hart I had taken your last aifster the dath of my poor boy, for I fear wee have all justlie provoked God Almighty to this second strok by our exessive greif for the first, for my pour fatther heade neaver hart nor helth since it. I was as much conserned as possable in my condition to hear of your ladyships truble. I shall nott wish you the 1 part of my circumstances—my loss, butt with all my hart the latter—the utmost demonstrations of affection from ane dying fatther when it shall be your cas. I fear I have now quit wearied your ladyship, but hoips yow'l pardon it to.

424. SIR WILLIAM ANSTRUTHER, LORD ANSTRUTHER, to WILLIAM, EARL OF ANNANDALE—Of the latter's relations with Lord Murray. 17th August [1696].

MY LORD,—Since I had an account that your lordship and my Lord Muray mett on the road without any thing in particular passing betuixt yow, I hav been very uneasie lest your lordship should think I hav not kept my promess in writting to him what yow desired; which indeed I did most faithfully, and hav spoke to him upon that same chapter since his coming here. I told him yow hoped my lord would not interpret any opposition your lordship made to him as if yow had any prejudice to his family or him, to whom yow was very ready to be a servant and desirous to be well with, and sorry for any diffrence that shoule hav fallen betuixt yow. I found from my lord a suitable return and very well pleased, so I doubt not but all will be well at meeting, which I suppose will be shortly, for the parliament certainly sitts the 8 of the nixt mouth. My lord, if there be any thing I can serv yow, freely comand, my lord, your lordships most humble servant,

Ædinburgh, Agust 17.

W. ANSTRUTHER.

For the right honourable the Earle of Anandaille, at London.

425. WILLIAM, EARL OF ANNANDALE, to [SIR WILLIAM ANSTRUTHER, LORD ANSTRUTHER]—As to the removing of his misunderstanding with John Murray, Earl of Tullibardine. [August 1696.] Draft.

I THANK you, my lord, for the favor off yours which I had thiss afternoon, and am verrie sensible that your endeavours for a good understanding betuixt my Lord Murray and me proceeds from kindness to bothe. I wes nott att all surprized that nothing particular passed betuixt him and me att meetting, for as I beleve itt wes accidentall and unexpected by both, soe there wes nether conveniencie nor opportunittie. I wish I had seen him heare or annie place where we could have discoursed matters fullie, which I assure you I should have been verrie weell sattisfyed off; iff I had found my lord dissposed for itt. For as I am able to satisifie annie man who will be sattisfied that I gave nott the first rise nor ground for annie seemming difference which hes been betuixt us, soe you may be sure I shall never shunu a reasoning upon the whole matter. And as my Lord Murray may kno, itt wes my earnest desire and resolution to be in frendship and upon good termes with him, and to have joined with him heartillie in all sort off business; soe he must allou me to say, and which I think I can convince him off att meetting, that itt is his fault onlie. Itt hes nott been soe, for if either he had kepted tutches or I had been used as I might have expected, I perhaps should have been ass true and constant to him as some he hes now taken by the hand. Butt I thank God I need repine nor grudge att nothing off thiss natture, for frindship and favor goes free in all places, and as I hope my Lord Murray hes juster sentiments off things then to state in irreconciliable prejudice upon peoples differing in oppinions as to publick matters, soe I never doubted that he thought he had good reasons for his oppinnion; soe he must allow me to say that I think mine wes weell founded for the interest off bothe king and cuntrie. Thuss wee may be persuaded that wee were both meaning weell as to the publick, and that there wes no familie nor personall prejudice att the bottom, soe that wee may yett be weell, and annie difference that hes been may be accomodatt need nott be disspaired off: and tho I say att annie tyme I shall verrie cheerfullie and reddillie embrace a frendship with my Lord Murray, yett I must crave leave to explain my selfe that I will nether meanlie nor officiouslie thrust my selfe or my frindship upon annie man.

I am like to be much straittned as to my comming to the parliament, the diett is soe verrie earlie, and I feare the sadd condition off my wifes healthe, who is not yett broght to bed, butt seized with a violent feaver and heavie indisposition off bodie besides, oblige my stay heare; butt iff itt please God that she be in annie condition that I can leave hir, I doe assure you no pretence whatsomever shall make me absent.

You'l pardon me that I trouble you with such a confused, tedious letter; for indeed the dangerous condition off my wifes healthe does dissorder me, and therfor shall forbear annie furder appolegie then that itt comes from, my lord.

426. WILLIAM, EARL OF ANNANDALE, probably to ROBERT PRINGLE, Under-Secretary of State—Pleading the illness of his wife as an excuse for his not attending the parliament. [8th September 1696.] Draft.

SIR,—Itt is with unwillingness and concerne eneugh that I am forced to woritte to yow upon this occasion, and that of necessittie I must begg his majesties excuse to be absent thiss session off parliament, for I doe assure you with all the sincerritie imaginable, I have a strong desire and inclination to be there; butt you may immagine ducttie and affection to my wife, nay even decencie itt selfe, must prevall; and therfore I desire youl doe me the favor to lay befor his majestie the weak and dangerous condition and circumstances of my wifes healthe, which are yett such that since the little tyme of hir beeing broght to bed she hes nott yett been able to be lifted to have hir bed made under hir; nay, she hes from tyme to tyme such feavrish, aguish and fainting fitts as reduces hir to such a weakness that no bodie that is by hir knos what may be the consequences off them. I kno youl doe me the justice to represent thiss truelie and fullie to his majestie, and I am persuaded itt will not onlie appeare to him a sufficient, and if I may say, too reasonable ane excuse for my absence from the parliament, butt that he will be pleased to authorize my stay heare vntill my wife be either in such a condition as she may be carried to Scotland or see much outt of danger as I may saiffie leave hir. I hope his majestie may be convinced (from my last journey to Scotland) tho my familie wes then in a verrie badd condition, that I can never be capable off making pretences to be absent from his business when annie manner off necessittie appeares, which I hope does nott now exist. Youl be pleased to doe me both the favor and frindship to give me a particular account what his majestie retturne to you is upon thiss occasion, and how he receeves thiss my addresse; for tho the reason off my stay heare does sufficientlie speake itt selfe, yett I doe reckon itt a peccc off duettie in me, by you, to acquaint his majestie with itt, since itt will be my greatt sattisfaction to have his approbation and allowance. Your care off thiss shall oblige me to continue.

427. WILLIAM, EARL OF ANNANDALE, to [JOHN MURRAY, EARL OF TULLIBARDINE]
—In reference to the differences between them. [27th March 1697.] Draft.

MY LORD,—I shall noott now enter upon a particullar examination off annie seemming differences which have missfortunatlie fallen in betuixt your lordship and me. I am perswaded they will be with much greater advantage to bothe cleared and disscussed att meetting then they can be by woritting. I shall onlie say as I wish there never had been annie such mistakes, soe I am verrie willing and desirous that from hencefurth they may be removed, and there may be no more off them. And since I am made beleve by some off your lordships best frinds that yow are thuss dissposed, I doe take the freedome by thiss to assure your lordship that annie privatt insinuation or suggestion whatsomever that may have been made to your lordship as proceeding from me to your prejudice is false. And tho wee did differr in oppinnion as for what past in publick road off business, I must oun that what I did upon that emergent was to the best off my knoledge and judgement what I thought wes for the kings true interest and service and good off his government, and that there wes nether party designe, pieque nor prejudice under itt. I hope yow will putt the best construction upon thiss, and iff your lordship be inclined that wee should hencefurth live weell togither, and in ane understanding as to business, I doe with all my heart earnestlie wish and desire itt, and my appearance and actings in business shall sattisfie your lordship and the world off my sincerittie in thiss, and that I am, my lord, your lordships faithfull frend and humble servant.

428. JOHN, EARL OF TULLIBARDINE, to WILLIAM, EARL OF ANNANDALE—In answer,
agreeing to the overtures of friendship. 6th April [1697].

MY LORD,—I have your lordship of the 27th last month. I doe wish as much as you doe that there had not fulien out mistakes betwixt us, and doe agree with your lordship that they can be much better taken off at meeting then this way. I kno it is ordinar at such times that some are ready to make misrepresentations to both, which at meeting I doubt not we can cleare and be satisfied were fals; and since your lordship now desires that we be in a good understandig, I doe willingly agree to itt, and it shall be seen that it shall not faile first on my side; and I hope that it will be also seen that the professions of frendship that your lordship has been pleased to make to my frends in Scotland and in your letter to me will prove sincere, and your lordship shall find me, my lord, your lordships affectionatt cousin and most humble servant,

TULLIBARDINE.

Kinsington, April 6.

429. THOMAS LIVINGSTONE, VISCOUNT OF TEVIOT, to WILLIAM, EARL OF ANNANDALE—About the purchase of Lethlington. 24th July 1697.

MY DEAR LORD,—I am extreamly surpryed to see by a letter from my Lord Whythil that none of myne are comt to Scotlant. Sins I came to this army I have werit severals to your lordship, and amongs others one wherin theer was a ful account of the way and menner the tytel was procured to another. It was a peaper dranen at London and send heer to syngne witchs was got done. I must levee a further explication until meeting. Two days ago a letter was delyvered me from the Earle of Lauderdale, and that your lordship may kno the contents I have heer inclosed it. Notwithstanding of great discouragement, whom I hardly kno hoe thee came opon me, I have some inclination to setle in Scotlant, and should be satisfyed it did take its beginning with that plasse, but I am verry appreheusive it may be valued abof the worth of it. In sutch a casse I ame persuaded your lordship would not advyse me to it. I then presume to weryt to your lordship, my Lord Whythil and Sir Gorge Suiti, to trye if you please if it can be brought to a reasonable prysse. Your lordship may see all the rentel and consider that the house is ould and all round it in great disorder. The great distance I ame at can not, as I suppose, alou my making anny further step. Hoeever, I shal soon be determinat by good advyse.

I kan give your lordship no sort of nieus from this plasse. We ley verry quyetyl about Bruxel, and the Frens about Halle, almost as if theer was a cessation of armes. Boufleurs and Portlant have met thrie or four tymes betwixt the two armis. The subject thee treatet opon is variusly talket of. Hoever, it is said the king heath given a ful and plain account of it to his alyes. We expect in ten days to kno the certainty eather of peace or warre, witchs menny heer long for. Hoe soon anny thing occurre your lordship shal have it from your verry humble servent. Adieu.

At the Camp of Digum, 24 July 1697.

430. SOPHIA, COUNTESS OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]
—In reference to her illness, etc.¹

May 15, [1698].

MY LORD,—I give your lordship mannie thanks for the consern yow have for me. I had alwayes reason to be verry seneibel of your lordships kindnes, and nothing can be more oblidging then it is upon this occasion. My illnes hes been verry sevear and tedieous, and it does not as yett appear that God Almighty thinks fitt to putt ane end

¹ Original letter in the Marchmont Charter-chest.

to it. The phisisions and chirugens themselves doe nott give me great hopes, nor can they propos annie remidie they can say hes been known to cure effectwaly in my eais. The Bath they think on of the best; butt I am soe full of pain it is imposable to carrie me ther, and the least motion increases it soe much that it throwes me in a feaver and other dangerus circumstancies. If I keep verry still I have more ease, which makes me flatter myself more then I am affraid I ought. However it happen, I pray God give me patience and submission to His will. My mother gives her humble servis to your lordship, my lady, and all your hous. Non wishes the continewance [of] its prosperitie more then she and, my lord, your lordships affectionat cussin and most humble servant,

S. ANNANDALE.

431. WILLIAM, EARL OF ANNANDALE, to [PATRICK, EARL OF MARCHMONT]—
About the health of himself and his countess. 13th June [1698].¹

MY LORD,—I am verri^e sensible off your lordships concerne for me and my familie, and give you my heartie thanks for your kinde enquirie after us. My wife hes been these three dayes in appearance verrie dangerouslie ill, and wee expected either feaver or ague att best. I thank God she is thiss day much easier and calmer then she hes been since hir indissposition; yett wee cannott say how itt may prove. Thiss hes restrained me from waitting off your lordship. If itt please God that all be weell, I shall see you ass soon as I can next weeke. My legg is still uneasie to me, having neglected itt a little too much. I shall be allwayes reddie to receive your lordships commands, and am, most sincerlie, my lord, your lordships most faithfull humble servant,

Cragiehall, the 13th off June.

ANNANDALE.

432. ARCHIBALD, TENTH EARL, afterwards FIRST DUKE OF ARGYLL, to WILLIAM,
EARL OF ANNANDALE—Recommending his brother to his favour.

Shank, October 12th, 1699.

MY LORD,—I have been remembiring your lordship with my brother, the bearer hereof, in Burgundie. It proves verie weell, nor have wee spar'd it. He is to be your supplicant. I flatter myself I need no other argument for him but that he is my brother, and I am sure he shall be your servant. I intend from here now verie suddenly. What commands yow are pleased to give me from tyme to tyme shall be punctually observ'd. I hear some of our Africans take bigg upon this unfortunate occasion. It will not be amisse yow acquaint your freinds of ther motions and expressions. I am, my dear lord, your lordships most affectionatte humble servant,

ARGYLL.

¹ Original letter in the Marchmont Charter-chest.

433. THE SAME TO THE SAME—Telling of his employments in the country.

November 23d, 1699.

MY LORD,—Since I parted with your lordship I have been in the country, sometymes in Yorkshyre, in Bishopprig, and sometymes in Northumberland, a running of horse matches and a hunting. I am sorie yow have not past your tyme so pleasantly, having heard what pains your lordship has been at to preserve people from running to extreams. I am inform'd they gain'd nothing at your hand by ther insolence. I am satisfyd a little tyme will make appear it is not thee true interest of the company or country that renders them so vyoilent. My lord, when I am at London, whither I now designe, Iyll give yow the trouble sometymes of a letter. Your lordship may remember some tyme agoe the councel granted a reppryve to tuo men who were condemn'd upon Captain Frazers account. They have but to the 1st of December. I must intreat of yow to have it prolong'd or ther sentence commuted to banishment; but if better cannot be, a new prorogation will doe.

Please to show Hopton I am promised 23 couple of hounds, which are Sir Courtney Pooles, to be delyvered me at London in January, out of which I shall supply him. The hounds are in thee west of Ingland. I am, my dear lord, your lordships most affectionatte humble servant,

ARGYLL.

434. JAMES, LORD JOHNSTONE, TO [PATRICK, FIRST EARL OF MARCHMONT]—Begging some elixir for his mother, and the receipt for its preparation. 31st January 1704.¹

MY LORD,—I hope your lordship will excuse this freedome when I give you an account that it is now about a moneth since my mother fell most dangerously ill, of which her physicians have had a great deal more feares then hopes, being under great oppresions in her pulse and spiritts, with violent vomittings and great intermissions of her pulse, with frequent cold fitts and sweats. Nature having been att the utmost strugle with the distemper, seems now a little more to prevail, endevouring as much as her weakness will permitt, to form it selfe into her old agueish disposition; upon which my lady has ordered me to begg of your lordship some of your elixir that has been frequently so usefull and beneficial to her in the like case. She woulde further earnestly entreat of you the receipt of the elixir. She hopes your lordship will have no scruple there, since she thinks her life in a great measure under God depends upon it, and that your lordship (as now happens) may be att a distance, or other impedi-

¹ Original letter in the Marchmont Charter-chest.

ments in the way, may deprive her of it when she is under the greatest necessity to have itt. It is what she solemnly promises never to communicat to any person if your lordship require itt ; and I must begg leave further to add, as it will be ane action of the greatest charity and compassion to her, and perhaps a great means of saving her life, so your lordship will have the glory, by the blessing of God upon it, of preserving a family whose happiness and welfare so much depends upon her, as its ruin seems inevitable in loseing her. I hope your lordship will think all the concern I can show in this is very just, and that my case will plead your pity, for I assure your lordship at this time it is very sad, being under the apprehensions of loseing so good a mother. We have left no means unessayed otherwise, being unwilling to give your lordship this trouble, but now are obliged to send this express for a little of what your lordship may have by you, but chiefly for the receipt ; which so just and humble a request I hope your lordship will not deny to one who shall think himself for ever obliged by it to serve your lordship and family to the utmost of the power and weak capacity of, my lord, your lordships most obedient humble servant,

JOHNSTONE.

Holyrood House, 31st of January 1704.

435. SOPHIA, MARCHIONESS OF ANNANDALE, to [PATRICK, FIRST EARL OF MARCHMONT]—To delay the case between Invermay and the Marquis of Annandale, until the latter's return. 8th June 1706.¹

MY LORD,—This is earnestly to beg your lordship will doe my lord the justice as to procure a delay in that affair betwixt Indermay and him. It is of the greatest consequence to us, and what we are able to make no defence in att this time, as our lawers will more fully inform you. So that I must hope your lordship will give no decisive stroke in that matter till my lord return, that his defences may be heard. He is nou upon the road or just ready to take his journey. What kindness your lordship is pleased to shou in this will lay a great obligation upon the family, and shall be gratefully acknouledged by, my lord, your lordships most humble servant,

S. ANNANDALE.

Lochwood, June 8th, 1706.

¹ Original letter in the Marchmont Charter-chest.

436. PHILIP YORKE, LORD HARDWICKE, afterwards Lord High Chancellor of Great Britain, to GEORGE, THIRD MARQUIS OF ANNANDALE—Advice about his education and travels.¹

6 April 1736.

MY LORD,—To see a young nobleman enquiring after the properst methods for his own education cannot but give one a most sensible pleasure, in an age when the far greater part leave that care entirely to others, or, perhaps do their utmost to obstruct the fruits of it themselves. On the contrary, such an enquiry shews a laudable solicitude to assist the endeavours of parents, and to improve upon the instruction of tutors, of which I doubt not but your lordship is supplied with the best. This would make it the highest impertinence in me to say one word to you on this topic, if your commands did not arm me with a justification.

The important business of your education seems chiefly to consist in three things—your studies, your exercises, and your travels. In your studies, your first employment will of course be the learning of languages, ancient and modern. Without a competent skill in the former you will want the inexpressible pleasure and advantage that can only be drawn from those immortal patterns of nervous beautiful writing, and virtuous action, which Greece and Rome have left us; and without the latter a man of quality must find himself frequently at a loss becomingly to act many parts, both in public and private life, to which his birth and rank do naturally call him. As you proceed farther, permit me to recommend mathematics to your particular favour; it is of infinite service in a variety of affairs, but there is one general use of it which I remember my Lord Bacon somewhere mentions—that it tends above all things to fix the attention of youth; for in demonstration if a man's mind wander never so little he must begin again.

The study of the Roman civil law is what every true friend of your lordship would most earnestly wish you to pursue—as the groundwork of the law of most countries, and in cases where their municipal laws have made no special provision it is their rule of judging. Believe me, the benefits you will derive from a superior knowledge of this science are not to be described within the compass of a letter; and as your lordship may possibly one day have a seat in parliament, your country will by this means find you the much better qualified for their service as well as your own. I shall be in danger of going farther out of my depth, if I attempt to say much of your exercises. They require judgment in choosing, and many of them are highly conducive to strengthening the constitution and forming a graceful behaviour. It seems to be a fault of the present age to neglect the manly and warlike exercises, and to prefer those which are soft

¹ Scots Magazine, vol. 62, p. 85, where it is stated that the letter was copied from the original in the handwriting of Lord Hardwicke.

and effeminate. The former are certainly a necessary part of the education of a man of quality, not to be laid aside as soon as learned, but to be made a habit for life. Hence you will be rendered more apt for military fatigue and discipline, if ever the cause of your prince and country shall require you to endure it. And one cannot help observing that it would be much for the honour of the nobility, as well as the security of this kingdom, if more even of those who do not think fit to make war their trade would, however, qualify themselves to perform that honourable service.

To these, I presume, travelling will succeed, not only from the reason of the thing but the fashion of the times, and it were much to be wished that being in the fashion was not, for the most part, the sole aim of it. It is undoubtedly in itself a noble part of instruction, as it affords an opportunity of becoming acquainted with the constitutions and interests of foreign countries, the courts of their princes, the genius, trade, and general pursuits of the people. But as things are now managed, what is often substituted in the room of these most useful enquiries ? Nothing but the infection of their vices and luxury, their arts of dressing themselves and their victuals, and the acquisition of false vitiated taste in both. To instance one or two of the many causes of this unhappy abuse may serve just to point out the way to avoid it. One fundamental error is travelling too early. The mind of a young man wants to be fitted and prepared for this kind of cultivation ; and until it is properly opened by study and learning, he will want light to see and observe, as well as knowledge to apply the facts and occurrences met with in foreign countries. Without this foundation a boy may be carried to see one of these idle shews called moving pictures, or the French court in waxwork, with almost as great advantage and with much more innocence.

Another fatal error is excessive expence to which this part of what is called education is suffered to be carried. It is not uncommon to see a young gentleman spend more by the year in such a tour than the income of his estate will in prudence afford him the means of doing when settled with a family at home ! And to what purpose ? Not to enable him to learn the more, for it turns him out of the paths of application and attention into those of pleasure and riot ; not to enable him to associate with the best company of foreigners, but the most luxurious and extravagant of his own countrymen, or with such strangers as will resort to him only for his money. If the great number of travellers be considered, the drain of cash hereby occasioned is an apparent detriment to this kingdom, and the mischief to particular families is irretrievable, by acquiring a habit of expence which their estate cannot possibly bear, and which will ever be followed by a certain train of consequences, dangerous to the public as well as private welfare. In former times the people of Britain who travelled were observed to return home with their affections the more strongly engaged towards the well-tempered constitution and liberty of their own country, from having observed the miseries resulting

from arbitrary governments abroad. This was a happy effect and most desirable to be continued ; but by an unlucky reverse it sometimes happens in these days that, being taught to like the fashions and manners of foreign countries, they are led to have no aversion to their political institutions and their methods of exercising civil power.

The Protestant religion being established here, is one great security of our civil liberty. That ocular demonstration of the gross superstitions and absurdities of religion abroad which travelling furnishes was formerly thought to fix the mind in a more firm attachment to our primitive simplicity and abhorrence of the latter. It were much to be wished that this observation would constantly hold ; but I fear the case is now sometimes otherwise, with this further ill consequence that many of our young men, by a long interruption of the exercise of their own religion, become absolutely indifferent to all.

In what I have said I desire to be understood not to advise your lordship against travelling ; my view is far otherwise—it is only to lay before you what appeared to me, informed as I am, to be the modern abuses of it, that by avoiding those you may be in a condition to make use of that which is truly useful in itself.

Forgive me, my dear lord, this tedious letter, drawn from me by your own request and proceeding from the sincerest desire of your lasting prosperity. Be assured that I should think it a very happy circumstance in my life, if any advice of mine could be in the least degree assistant towards rendering a young nobleman of your quality and hopes the more capable of performing that service to his king, his country, and his family, which they may justly expect from him ; and that I am, with the utmost truth, your lordships most faithful and obedient humble servant,

HARDWICKE.

437. WILLIAM PITT, First Lord of the Treasury, to JAMES, THIRD EARL OF HOPETOUN
—Affairs in parliament.

Downing Street, August 30, 1785.

MY DEAR LORD,—I am honored with your lordship's letter of the 20th, and tho' I must ingenuously own that I neither apprehend so much danger as your lordship states from the designs of opposition, nor consider the remedy you propose as practicable, I beg at the same to assure your lordship that the communication of your sentiments on this or any other subject will always afford me great pleasure, as a flattering mark of the confidence and good opinion with which you have honored me. I am, with great respect and regard, my dear lord, your lordship's most obedient and faithful servant,

Earl of Hopetoun, etc.

W. Pitt.

Indorsed : Right Hon. William Pitt, August 30th, 1785. Answered September 5th.



Downing Street Aug 30th
1785

My Dear Lord,

I am honored with
your Lordship's Letter of the 20th, and tho'
I would vigorously own that I neither
apprehend so much Danger as your
Lordship states from the Designs of
Opposition, nor consider the Remedy
you propose as practicable; I beg at
the same time to advise your Lordsh.
that the communication of your
sentiments on this or any other subject



It always afford me great Pleasure,
a flattering mark of the confidence
and good opinion with which you
have honored me. I am, with
most Perfect and. Regard,

My Dear Lord,

Your lordship's most obedient
and faithful servant

W. H.

and of Hopetoun Esq

APPENDIX OF ADDITIONAL ROYAL LETTERS, ETC.

438. PRECEPTE by KING JAMES THE SIXTH to JOHN ERSKINE, EARL OF MAR, treasurer of Scotland, concerning the escheat of Robert Johnstone of Raecleuch. 25th May 1621.¹

JAMES R.

RIGHTE TRUSTIE and righte welbeloued cosen and counsellour, wee greet you well. Whereas it was thoughte convenient that all contioueris betwixte Roberte Johnstoun of Raecleugh and James Johnstoun of that ilke shoulde be submitted to the amicable decision of certeyne lordes of our session, whereby peace and amitie may be setled betwixte them, the said Roberte (in respecte that his eschete and liferente are disponed to his aduersarie) feareth that the same is kepte vp as an awbande ouer his heade, or as a sufficient recompence for all which shalbe adiudged to him by the said lordes; and therefor that disposition being a meane of such distruste and jealousie betwixte them as they will never come to anie agreement so long as the same standeth in force, wee haue thoughte good by these presentes to require you that (according as Sir Gedion Murray promised to vs) nothing be done in that mater to the said Robertes praiudice; but so soone as he shall subscribe the submission, yee assure him of his said eschete and liferente on the same conditions, whereupon they were disponed to his aduersarie: and not doubting of your good endeouoris for settling peace amongst frendes, wee bid you farewell. Giuen at our castle of Windesor, the ffeue and twentyth of Maie, 1621.

To our righte trustie and righte welbeloued cosen and counsellour, the Earle of Mar, our treasurer principall of our kingdome of Scotlande.

439. PRECEPTE by KING JAMES THE SIXTH to JOHN, EARL OF MAR, treasurer, and his deputy, not to dispose of goods of Captain James Johnston of Lochhouse. 2d December 1623.²

JAMES R.

RIGHTE TRUSTIE and righte welbeloued cosen and counsellour, and trustie and welbeloued counsellour, wee greet yow well. Whereas wee are crediblie enformed that James Johnston of Loughouse (commonlie called Captayne Johnston), being summoned to vnderlie our lawes for certeyne criminall maters alledged againste him, hath not compered, but by his absence made himselfe fugitive frome our said lawes, wee haue therefor thoughte good by these presentes to require yow not to dispose of anie thing belonging to the said Captayne Johnston to anie person whatsoeuer til frome our selfe yee shall vnderstande our furder pleasour in that behalfe; whereunto not doubting of your conformitie, wee bid yow farewell. Giuen at our manour of Theobaldes, the seconde day of December, 1623.

To our righte trustie and righte welbeloued cosen and counsellour, and to our trustie and welbeloued counsellour, the Earle of Mar, our treasurer principall, and Sir Archebalde Naper, knighte, our deputie treasurer of our kingdome of Scotlande.

¹ Original precept in Charter-chest of the Earl of Mar and Kellie.

² *Ibid.*

440. PRECEPT by KING JAMES THE SIXTH to JOHN, EARL OF MAR, and his deputy, etc., about proceedings against James Johnstone of Thornick. 19th January 1624.¹

JAMES R.

RIGHTE TRUSTIE and righte welbeloued cosen and counsellour, and trustie and welbeloued counsellouris, wee greete yow well. Whereas wee are crediblie informed that the laird of Drumilangrig hath raised summonses of improbation against all the tenentes of the lordshippe of Torthorwell, and amongst the reste against James Johnston (commonlie called Captayne Johnston) for his landes of Thornik; and becaus the said James is vnder the censure of our lawes, and that the said proceding may in some sorte be in defraude of our coffers of such benefite as may arise to vs by the conuiction of the said James, wee haue thoughte good by these presentes to wille and require yow to aduise and carefullie to aduerte that nothing which shalbe done against the said James in that particulare may be to our priejudice in our commoditie aforesaid; which remitting to your speciall care, wee bid yow farewell. Given at Newmarket, the 19th day of Januarie, 1624.

To oure righte trustie and righte welbeloued cosen and counsellour, the Earle of Mar, our treasurer, and to our trustie and welbeloued counsellouris, Sir Archibald Naper, knyght, our deputie treasurer, and Sir Williame Olyphant, knyghte, our advocate in our kingdome of Scotland.

441. PRECEPT by KING JAMES THE SIXTH to JOHN, EARL OF MAR, etc., to pay to John Murray, Viscount Annand, £1600 sterlinc, for repairing the castle of Lochmaben. 20th February 1624.²

JAMES R.

IT IS oure speciall will and pleasure that yee allow and cause paye to the Vicomt Annand, the sowme of one thousand and sex hundreth pounds sterlinc, to be employed by him, by the speciall advise and direction of the maister of our workes there, for reedifieing and reparacion of our castle of Lochemaben; and that furth of the readiest of our rents, casualties, customes, or taxation moneys, whiche shal happen to be or come into oure coffers for the time, and with such speed and diligence as convenientlie may be: whereanent these presents, with the said Vicomt his discharge, or his factors, vpon receipt of the said sowme, shalbe to yow and the auditours of our exchecker for allowing the same in your nixte accompts a sufficient warrant. Given at oure Courte at Whitehall, the 20th of Februarie 1624.

To oure right trustie and right wellbeloued cosen and counsellour, the Earle of Marr, our principal tresourar, [and other commissioners of the King's rents in Scotland].

442. PRECEPT by KING JAMES THE SIXTH to JOHN, EARL OF MAR, treasurer, and his deputy—the repair of Lochmaben not to interrupt other repairs. 20th February 1624.³

JAMES R.

RIGHT TRUSTIE and right welbeloued cosen and counsellour, and trustie and welbeloued counsellour, wee greete yow well. Wheras we haue beene pleased to entrust and recommend to the Vicomt Annand the reedifieing and reparacion of our decayed castle of Lochmaben, and for that

¹ Original precept in Charter-chest of the Earl of Mar and Kellie.

² Original precept in Her Majesty's General Register House, Edinburgh.

³ Original precept in Charter-chest of the Earl of Mar and Kellie.

effect to require yow and the remanent commisionares of oure rents there to alow and cause pay vnto him the sowme of one thousand and sex hundereth pound sterlinc, without specifying of any terme for payment thereof in our warrant sent thereant, to the effect that the generalitie thereof may not occasion in yow a mistaiking of oure meaning as yf we intendel that the setting forward of that worke should imped or interrupt the effect of oure former directions sent to yow for reparation of our other houses (whiche wee wer pleased more particularlie to recommend vnto yow, our deputie thesaurer, at your last being with vs, as likewise since your departure, to require Sir James Baillie at his returne thither to putt and keip both of yow in mynd of); wee haue thought fitte for the better expayning of our meaning hereby to certifie yow, that it is oure pleasure that yee take the best and spediest course that conuenientlie may be for payment of the foirsaid sowme for building of our said castle, but so as therby the reparation of our houses formerlie recommended vnto yow may not be impeded. And to the end that both the worke may be better contrained (whensoever it shalbe intended) and the monyes to be bestowed therevpon the more profitablie employed, yee shall at the deliuerie thereof in our name require the maister of our workes carefullie to survye and direct the said worke, and therewithall to take notice of the monyes to be disbursed that soe wee may the better know what quantitie shalbe bestowed vpon the same; whiche not douteing but yee will accordinglie perorme, wee bid yow farewell. From our courte at Whitehall, the 20th of Februarie 1624.

To oure right trustie and right welbeloued cosen and counsellour, the Earle of Marr, oure principall treasourar, and to our trustie and welbeloued counsellour, Sir Archebald Naper of Merchistoun, knight, our deputie treasourar of our kingdome of Scotland.

443. PRECEPT BY KING JAMES THE SIXTH TO JOHN, EARL OF MAR, ETC., TO PASS THE ESHEAT OF JAMES JOHNSTONE OF THORNICK. 20TH MARCH 1624.¹

JAMES R.

RIGHT TRUSTIE and right welbeloued cosen and counsellour, and right trustie and right welbeloued cosens and counsellouris, and others oure trustie and welbeloued counsellouris, wee greete yow well. Having beeene pleased to bestow vpon the Earle of Nithisdaill and Vicount Annand the gift of James Johnstoun of Thornik, called Captane Johnstoun, his esheate and liferent, wee haue likewise signed a signature of the said gift to be exped oure seals there in their favours, togither with a particulare signatur of such landis, with the pertinentis, as the said James held immediatlie of vs before his rebellion, and a signature of presentation of the said Earle and Vicount to be receiued tennents in the saids lands of Thornik by the laird of Drumlangrig, superiour of the same; and to the effect that no impediment may be made by yow in passing of the saidis signatures, wee haue thought good hereby to require yow to giue way and sett your handis therto whensoever they shalbe presented, and that gratis without imposing or taiking any composition for the same; whereant as these shalbe to yow a sufficient warrant and discharge, soe wee bid yow farewell. From oure courte at Okine, the 20th Marche 1624.

To our right trustie and right welbeloued cosen and counsellour, the Earle of Marr, oure principall tresorar, [Sir Archibald Napier of Merchiston, knight, and other commissioners].

¹ Original precept in Charter-chest of the Earl of Mar and Kellie.

444. PRECEP by KING JAMES THE SIXTH to JOHN, EARL OF MAR, and other commissioners of rents, to pass the escheat of James Johnstone to the Earl of Annandale. 23d September 1624.¹

JAMES R.

RIGHTE TRUSTIE and righte welbeloued cosens and counsellouris, and righte trustie and welbeloued counsellouris, wee greete yow well. Wee were pleased by our letter heretofore to require yow to passe the eschate and liferente of James Johnston, with the landis belonging to him, gratis to the Earles of Nethesdale and Annandale; and now wee hauing of late granted all the premisses to the Earle of Annandale alone, wee haue thoughte good by these prasentes to require yow to expedie the same to him gratis; which nothing doubting but yee will readilie performe, wee bid yow farewell. Giuen at our manhour of Theobaldes, the 23th day of September 1624.

To our righte trustie and righte welbeloued cosens and counsellouris, and righte trustie and welbeloued counsellouris, the Earle of Mar, our treasurer, and remanente commissioners appointed for managing our rentes in our kingdome of Scotlande.

445. PRECEP by KING JAMES THE SIXTH to JOHN, EARL OF MAR, and SIR ARCHIBALD NAPIER, to build a tolbooth in Lochmaben. 31st January 1625.²

JAMES R.

RIGHTE TRUSTIE and righte welbeloued cosen and counsellour, and trustie and welbeloued counsellour, wee greete yow well. Wee were pleased to write to yow, willing yow to take vp the fines of some who in a justice courte at Dumfreis were put vnder band to be answerable for caryng of hagbuttes or pistolettes, and that the said fines shoulde be employed on the building of a tolbooth in Loughmaben: But now, calling to minde that we had designed all fines of that kinde and divers others to the reparation of the bridge of Perth, wee haue thoughte good to require yow to cause the fines of all others not inhabiting the sherifdomes and stewardries of Nethesdale, Galloway and Annandale, to be employed on the said bridge, and those of the inhabitantes of the said places to be employed on the said tolbooth; for considering the necessitie of such a hous, it is good reason that it be builte at the costes of the neighboring offenders rather then otherwise. And if the fines of the said offenders wille amount to more then will finish the said worke (as doubtles they wille), wee are well pleased that the superplus be employed on the said bridge. And whereas hethereto the wardane and stewardes courtes ha ie bene kepte in the church of Loughmaben, wee thinke it a thing verie vnseemelie and vnsitting, and therefor it is our pleasour that the said fines being levied, yee cause the maister of our workes with all conuenient expedition go to Loughmaben and choose the moste fite place for situation of a tolbooth, and bulidle the same in such sorte as the lower roumes may serue for prisons to malefactouris, and the vpper for keeping of courtes and administration of justice. And this recommending to your speciaall expedition, notwithstanding anic our former direction which mighte be alledged to the contrarie, wee bid yow farewell. Giuen at Neumarket, the last of Januarie, 1625.

To our righte trustie and righte welbeloued cosen and counsellour, and to our trustie and welbeloued counsellour, the Earle of Mar, our treasurer principalle, and Sir Archebalde Naper, knight, our deputie treasurer of our kingdome of Scotlande.

¹ Original precept in Charter-chest of the Earl of Mar and Kellie.

² *Ibid.*

446. LETTER by KING JAMES THE SEVENTH to the PRIVY COUNCIL, appointing William, second Earl of Annandale, to be a privy councillor. 18th October 1688. [Old copy.]

JAMES R.

RIGHT TRUSTY and right welbeloved cousin and councellor, right trusty and right welbeloved councellors, right trusty and entirely beloved cousins and councellors, right trusty and right welbeloved cousins and councellors, right trusty and welbeloved cousins and councellors, right trusty and welbeloved councellors, and trusty and welbeloved councellors, wee greet you well. Whereas, in consideration of the eminent loyalty, great parts, and abilities of our right trusty and welbeloved cousin, William, Earle of Annandale, wee have thought fit to adde him to our privy counsell of that our ancient kingdome: It is now our will and pleasure, and wee doe hereby authorise and require you to admitt and receive him into that our privy counsell in the ordinary form and methode in such cases accustomed, excepting only as to his taking the test and other oathes prescribed by law, from all which wee doe hereby exempt him, and therefore discharge you from tendering the same unto him, notwithstanding of your admitting and receiving him into that our privy counsell in manner already mentioned. Neverthelesse you are to administer unto him the oath of a privy councillor. For doing all which these presents shall be your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 18th day of October 1688, and of our reigne the fourth year. By his Majesties command,

MELFORT.

447. LETTER by KING WILLIAM THE THIRD to the PRIVY COUNCIL OF SCOTLAND, to admit William, Earl of Annandale, to be a privy councillor. 31st January 1693.¹

WILLIAM R.

RIGHT TRUSTY and right wellbeloved cousin and councellor, right trusty and intively beloved cousins and councellors, right trusty and right wellbeloved cousin and councellor, right trusty and wellbeloved cousins and councellors, right trusty and wellbeloved connellors, wee greet you well. Whereas wee have had sufficient proofs of the duty and affection of our right trusty and wellbeloved cousin, William, Earle of Annandale, to our person and government, and that wee doubt not of his steadiness in our service, wee have thought fitt to add him to our privie counsell of that our ancient kingdom. It is therfor our will and pleasure, and wee do hereby authorise and requyre you to admitt and receave him into your number in the ordinary forme and method and upon the conditions in such cases accustomed. For doing of which these presents shall be your warrant, and so wee bid you heartily farewell. Given att our court at Kensington, the one and thirtieth day of January 1693, and of our reign the fourth year. By his Majesties command,

J. JOHNSTOUN.

[Addressed to John, Earl of Tweeddale, chancellor, and other Lords of Privy Council.]

448. JAMES JOHNSTONE, Secretary of State, to WILLIAM, EARL OF ANNANDALE—Illness of Craigiehall.

16 December [16]93.

I HAVE two of yours to answer. I am heartily sorrie for Cragyhall. Its noe doubt the gout in his head; he may get [rid] of it, but relapses are fatal and ordinary. As to my self I have noe reason to complain, far from it; but as to the proofs of this in the doeing of bussinesse I have

¹ Original letter in Her Majesty's General Register House, Edinburgh.

none, and my neighbour as few, the king having, I thinck, signed only one paper for him, that in favour of his brother, which I could not medle in before my time. The king is either resolved as to our bussinesse or will put all off till the spring. I doubt Lord John get the mint. I have not medled in it. I beleeve the queen is my Lady Cardrosses friend. The Master of Stair is lucky enough to persuade both the duke and my Lady Forfar that he is for them. Some here say our affairs will goo verry well. Its not the worse that the king delays them.— Farewell.

Lord Annandale.

449. THE SAME TO THE SAME—the question of being chancellor.

11 December [c. 1694].

YOU HAVE letters and copies, to the councill 2, and 1 to the exchequer. Pray be satisfied with the letter you have by the king's order, for without flattering or deceiving you I assure you that you are very right in the king's opinion. For instance, I told him that it were more for your advantage that you lived and minded your bussinesse in the country then to be his chancellor: upon which he asked me what he should doe if the chaneclor should die—but this to yourself only. You may imagine whence this information of point of right comes; but that concernes not you, and its well we have a king so nice in points of right: and Sir Thomas Livingstone is in the same case with Leven about the gunner; for tho the king is verry angry, and that even Mr. Carstairs, etc., condemns Leven, yet the king will know what Leven has to say. That is his rule. Goe on as you doe, calmly, and connive at everything you like not. The event must neids be good. Truth will come out upon the advocats and Raiths difference. The advocate presses me to hinder his coming up. He shall not come up unlesse you and the justice clerke come up, or one of you. However, make the advocate at present as much yours as you can, and own him when he is in the right. It will make bussinesse easyc to you, and now that Melvill hes joined him and me in his accusations (which the king has done me the kindness to tel me) support him: and encourage him. Melvill does not drinck or I should thinck that he had been drunck. . . . I am glad he has nou furnished me an handle to be plain upon his subject; without that I could not have been it. What he affirms is ridiculous and was indeed only matter of laughing; but its fit you be fair in appearance. However, since he affirms that he never tooke any money whylle secretary, get me what instances cannot be denied, and since he affirms that I bargained with the town that in case they gave me money I should procure them back the 3000 l. bond, procure me a declaration from Sir John Hall that I bargained none with him nor them; for that is the truth; and indeed I was told that I took too little, and might have had more, but refused it, as the advocat particularly knows. Nothing of this is indeed necessary, but since I have such a handle to speak I will not loose it, but justifie myself to the utmost.

Pray be in earnest in the bussinesse of recruits and writ your intentions, you should writ that you will make examples for the groest abuses and connive at others, for abuses there will be abuses; but this methode will please the countrey and doe the bussinesse. Trust not Colonel Fergeson, but heap civilities on him, for he will be beleved in that bussinesse. The justice clerke will tel you much more. I have a cypher of his. Farewell.

I cannot give the chaneclor a handle of quarrell by calling up Whitelaw without his concurrence—that were against all rules.

Annandale.

450. THE SAME TO THE SAME—The approval of his presidency in council signed by the king.

5 January [16]95.

THE OLD LAIRD, my Lord Yester, Sir Thomas, and others are here at a glass of wyne, and drincking your health; so all I can writ you is that they are your true friends, and that at long run I thinck matters must end well whatever be the rubbs in the way. The enclosed are to require those adressed too to come up. I did wish you had been here, bat considering all things, I am much divided in my own mind whither to be fond of it or not. My Lord Portland only sies the king both for English and Scotch. The chancellor has been with him too-daye as he says about your bussinesse. My Lord Portland has two letters to get signed against the next post, the one approving your presidng, the other to stop Kimergein's gifts and all other gifts, and to repreſent the severall claims, etc. I am in the darke as to English bussinesse, of which ours will be a consequence; therefore pray have patience and disseuble, and believe that I will mind your concerns as my own, if more you did me right, but that were hard to ask of you.—Farewell.

Annandale.

451. THE SAME TO THE SAME—The two ministers commissioners.

8 January [16]95.

I SEND you the copy and the original to my Lord Cassills for stoping the escheat. The letter approving is not signed, theo the chancellor pressed it to Lord Portland, but whether refused or delayed I know not. Pray overlooke all that, and presse the representation that you may have the gift of escheat, which is somewhat solid. The two ministers commissioners have blundered strangely. My colleague wheedles them so with dinners and courtships and something else, if he were to be beleived, that they are loosing themselves and their bussinesse too, but I shall take care of the last, and there is such a load of clamour against them, its like they will grow wiser, if it be not too late. Mr. Cumin has been only passive, and it seems will stop in time. The addressees or letters from you will be delivered too-morrow. I wonder the chancellor could expect another answer from you; the sending him the letter pleases him mightily; and some men's opposition will not be forgot. The king is well in his health.—Farewell.

If you like appearances as some doe, and they are indeed often of vse, the letter for you is conteſ[er]signed by me out of my month; and it is the first the king has signed in Scotch matters, nay, the only one since the queen's death.

Lord Annandale.

452. THE SAME TO THE SAME—The king to go to Flanders.

10 January [c. 1695].

THE KING will be seen too morrow, and then the letters will be presented. He and the princesse are agreed, but she is not well and so has not seen him. It seemes the French king is ill too, for he comes nether to table nor masse in publick. My neighbours are in a great fright. My fear is that they have not reason enough. My Lord Lithgoe and they hing on at Mr. Carstairs chamber. It seems they are verry low. They beg that bygones may be

bygones, and that they will let them serve them in time to come. Have patience, we shall loose the horse or gain the saddle. The chancellor seemes firme enough hitherto, but we have not bee in bussinesse yet. The Gazet has the substance as you see. Letters are never put there, and our stile does not well. The ministers say they will grow wise—they had need.— Farewell.

The king has declared that he will goe to Flanders. He is in good health.

453. THE SAME TO THE SAME—the king wished Annandale to continue to preside in council.

19 January [c. 1695].

AS TO YOURSELF I have said enough, which is in sum that I am in the darke, that you should have patience and dissemble all, that you give noe handle to say that you are hot and unmanageable, that you shall know the truth when I know it, that you trust to your own weight and capacity, that if you were to breake yet never doe it but so as that you may renew again, for sooner or later you will have whats your due if you keep in treating termes. All have taken the alarm upon your nomination, and think my designe is that you be chancellor in time and every thing. Its like the question about a chancellor was to try me; but a litle time sincks all this alarm and the effects of it. I asked whom he would have to preside, and added that you were willing to make roome. He said, Noe, noe, he would have you to continue. You should be as well with all people as you can that you may signifie the more in the parliament. My inclination was to have had you up, but in my judgement I think you are as well at home. The chancellor was for both the advocate and Sir John, so one could not be refused him, and it was in vain to oppose it. I am resolved to have noe breach with him at present, for since I brought him up it would all turne on me, and his inclinations are plainly right. How he will sticke to them I know not. He is never off Melvill, and the fright of his presiding in case of your absence would alone have hindered him from consenting to your coming up. He said to the king that none could preside but you. Pray let there be noe difference betwixt Polwart and you about the escheat, since there needs be none. Farewell,

My colleague was at Carstairs chamber yesternight, and Carstairs dined with him to-day. My colleagues point is to ruine his reputation, in which he succeeds.

Annandale.

454. THE SAME TO THE SAME—affair of Captain Campbe l.

14 February [16]95.

MY LORD,—Its the king's pleasure that you and the advocat (which you will let him know) examine the affaire of Capt[a]in Cambell and my Lady Roxburgh. Have Lord Jedburgh with you, since he commands, and in case the capt[a]in doe not give my lady such satisfaction as you shall upon hearing of the matter find reasonable, you are to make a report to his Majesty, and in the mean whille to suspend him till furder order. He may come to lose his troop if he be not wise, for I can assure you the king will suffer noe such doings.—I am, my lord, your most faithfull humble servant,

J. JOHNSTOUN.

Earl Annandale.

455. THE SAME TO THE SAME—The office of president of parliament.

9 April [16]95.

I HAVE not tyme this post nether. Mr. Priugls is now declared. The king shews he has noe regard to some men since he has not spoke to them of such a thing. My collegues bussiness I told you I knew since April last was resolued on, but when done I know not. But when it is done that will not put bussiness right. M. is courting the justice clerk and others again. He goes to Scotland to be a spye upon all men. The parliament papers will be signed too-morrow. The chancellor and others part upon Twesday. There has been a designe in M. and others to make me president to the parliament in order to hinder your being it. They understand the consequence and import of your being president better it seemes then you doe your self (conceal this) I mean above and under. All under arts imaginable have been used to hinder it and to keep the chancellor from being for it, but the councillers choosing you it seemes stuck with the king; for he names you, and 500 l. st. is allowed for a table. Whatever you resolve on, keep your mind to yourself for two reasons, one is, that if you will not be it you should not hinder others by telling that you may be it. The next is, have patience till the chancellor and we be down. More will be known before then. For my own part, I am for quitting when I despair, but not otherwise—that was my meaning. But I doe not despair, and quitting at present instead of a remedy were to abandon bussinessse to the other party. As to the other presidentship, I know noe more then I wrot to you long agoe. You will come to your purpose in time, if you have patience and advise with your friends. If you mind to act by yourself without either of these I shall be sorry for it. You are your own master, and your circumstances may support you in your humour, but noe circumstances can support you in your reputation if your friends once yield to the caracters that your enemies give you of a headstrong unadvisable man. But this is not the letter I began on that subiect. Farewell.

Addressed—For the right hon^{ble} the Ear[le] of Annandale.

456. JAMES JOHNSTONE, formerly Secretary of State, to WILLIAM, EARL OF ANNANDALE—The African Company.

10 Aprile [16]99.

MY LORD,—I wrot to you some tyme agoe by post. I hear often from my sisters of your friendship to them, which I take as to my self, and have all the sense of it that I ought to have, which upon some occasion or other, for occasions are coming, you will be convinced of. I am sorry Hopetoun's affair is off, for since my Lord Roxburgh's does not come on I did not see that you could doe better, but you will have your chiose. As to the African company, it was from the beginning the work of Providence, and it seemes Providence wil carry it on; and therefore I suppose will give its instruments the necessary wisedom of sending men and provisions so as to be there before August, otherwise, unlesse Providence doe miracles, that is, work without means (which it has not done for many ages that we know of), the thing will be lost. I shall not trouble you with my reasons, but only tell you that I have such as the company know nothing of, having seen all the accounts given by their enemyes and those sent to undoe them. You will now ask what may be expected in case they have succours and provisions in tyme. My first answer is, that come what will, your Caledonians will be in a condition to treat and to have cent. per cent., I will warrant you, to goe elsewhere (if they can doe noe better) when it appears they cannot be forced. Its a jest to expect that the Spanards will suffer them there if either money or force can get them away. They will allow them as soon to settle at the gates of Madrid; and yet others are to be dreaded more than the

Spaniards. Thus, however, if the Caledonians have sense, you subscribers cannot loose your money, which I beleive not long agoe you could not have got ensured at a considerable losse. But nou as to the successe of the bussinesse, if they really can be put in a condition not to be forced (which seems to be the opinion both of friends and enemies), when the world is convinced that they are in such a condition, which they will be if attempts upon them faill, then a judgement may be made of it, but hardly can any be made at present. Much will depend upon accidents, and if some happen, which I and much wiser men doe beleive will happen, I make noe doubt but this nation will gaine in the bussiness, which will produce an union in trade betwixt the two kingdoms.

You will laugh when I tell yow that before you get this you will hear that some new mark of favour is put on my Lord Portland, or that he has left the court, or both. The other has nou both Dutch and English bussinesse more in his hands than I thinck he cares to mind. If you can beleive people, Portland goes this day to his lodge at Windsor, and from that whither he pleases. Suppose that true, matters with you will continue as they are for a whille: but changes will come. Duke Hamiltone takes it mighty ill your doings with the Marquis of Douglas: such unnecessary over doings were better (you will forgive me) let alone. You cannot but observe the strange spirit that is rising in this nation. A new parliament is much under consideration here; but I never heard that a king of England mended matters that way. The bearer, Mr. Ramsay, had a place, which you in the treasury tooke from him. His commission is again signed by the king, and he desires it may be sent to you of the treasury, and have it only by you the commissioners favour; but it seems the justice clerk is stille against him. He is willing to put the commission in the justice clerk's hand. I know not how you and the justice clerk are. I ask your friendship to Mr. Ramsay to accomodate this mater, and in any other of his concerns. I would have wrten to the justice clerk my self, had I thought it would have done the bussiness. Seafield and Carstairs, I am told, are for Mr. Ramsay's having any equivalent that can be found out. My respects to your lady and the Lady Cragyhall. I am going to Newmarket too day. I have my health nou by riding, better than ever I expected to have it. So wishing you and your firesyde all prosperity, Farewell.

457. [JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE]—Death of Queensberry's sister.

March the 9th, [1700].

MY DEAR LORD,—I had written to yow long err now, but the death of my poor sister and the unlucky way of it has so much afflicted me that I have not been master of my own thoughts. I am verry sensible of your lordship's concerne for me upon this occasione, and I hope yow beleive that nobody wishes yow and your famely better then I doe. I have yet noe account to give yow of our affaires here. My Lord Seafield haveing had noe opportunity of speaking fully to the king, his Majesty being these two dayes at Hampton Court. He has told me only the litle passadges that occurred dureing his stay in Scotland; but what scheme he thinks of layeing down upon it, or what advice to give, I assure yow that I doe not in the least know, but I shall not fail to acquaint yow with what passes so soon as I know myselfe. In the meantime I must tell yow that I want words to expresse my sence and satisfaction at the firmnesse my Lord Seafield tells me yow are pleased to oun towards me, and beleive me without complement that I will ever retaine a true sence of it and expresse my acknowledgements upon all occasions. I cannot omitt to tell yow that by a letter from Stephen to my man Stuart I am told that several people of qualety who are to be at my sister's buriall are also invited to lodge

at the Weems, but your lordshipp is not. I am so surprised at it that I cannot get myselfe to beleve it. I am sure it is not my Lord Eleho's fault; when J know whos it is I doe assure yow I will resent it; for J will live well with nobuddy that puts the least mark of neglect upon yow. Pray, let me hear frequently from yow, and be assured that I am forever yours. So my dear Lord, adiew.

458. JAMES, FIRST EARL OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE.—Delay in obtaining the new title for Annandale.

Whitehal, April 6, 1700.

MY LORD,—Both my lord duke and I have used our endeavours to obtain that mark of his Majesties favour to your lordship, which you have verie just pretensions too. Wee did on this occasion again inform him of the services you have done, particularlie this winter, bot his Majestic hes reasons why he defers to doe any thing of this kind til after the parliament, and then I doubt not it will be verie easie to obtain what you can reasonable propose, for he is sensible of the good service you have done, and I hope this delay will give you no dissatisfaction, for I know my Lord D[uke] is your lordship's true friend, and I am, my lord, your lordship's most faithful and humble servant,

SEAFIELD.

459. JOHN, SECOND LORD CARMICHAEL, to WILLIAM, EARL OF ANNANDALE—Major Johnstone made a knight baronet.

MY LORD,—I was told your lordship inclyned to hav Major Jhonston a knight baronet. I have procured his patent, and shall send it down ather with this or Teusday's packet. The parlament is to be adjurned to the twintie on of this instant, and the Duke of Queensberrie parts from this on Wendsday nixt week. Howping to wait upon your lordship at Edinburgh shortly, I am, my lord, your lordship's most faithfull and most humble servant,

Whythall, Apryll 27, 1700.

CARMICHAELL.

Earll of Anandalle.

460. JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE—Was to set out from London to-morrow.

London, May the 2d, [c. 1700].

MY DEAR LORD,—That I have not written of late to your lordship and others of my freinds is because I have been bussie about a thousand necessary trifles, and till I was just parting had verry little to say, and now it is needless to doe it, being to see yow so shortly. I thought to have parted from hence yesterday, but was forced to putt it off till to-morrow. I have laid coaches for the first dayes journey, so I designe, God willing, to be at Edinburgh on the 14th. And now I must tell yow that, by several letters to the secretarys, yow are said to be verry angry, as if yow wer not duely advised and advertised of affaires. Upon my word, yow are to blame, for if there had been any affaires to be imparted (that I knew off in time) I had both imparted them to yow and sought your advice in them as soon as any person in Scotland. As to your own concerne, suspend your judgement, till I see yow, and then yow shall finde that yow have noe great cause of grudging. I will say noe more at this time, but to pray yow not to be uneasie or give any handle to your own hurt, for, beleve me, yow are so stated here that, except yow doe your selfe wrong noe other person can. If your affaires will allow it, I doe intreat that yow be at Edinburgh befor I come, for I long to meet yow, and then I hope to convince yow that nobuddy loves yow better and is a more sincere servant to yow and your famelly then myselfe. So, my dear lord, adiew.

461. THE SAME TO THE SAME—Annandale in London. 5th June [c. 1700].

I HOPE, my dear lord, that this shall finde yow safely arrived at London. Yow wer noe sooner gone then some people wer set to worke to make me jealous of your desseins in goeing, but I doe assur yow without the least success upon me, for as I am not apt to mistrust my freends, especially a person in whose kindnesse I hane so intire a confidence as I hane in yours, so I am upon my guard against the tricks of people whose interest leads them to divide us. Wherfore, my dear lord, let us continue in that mutual trust towards one ane other, which the tyes of blood, the good of our famelys and the service of our king and countrey oblige us too, especially at this time when the enemys of both are so industrious. Let me hear fully from yow while yow are about court, and make what haste yow conveniently can to come hither again. Give my humble service to the lord of Ormond and my other freends as yow meet with them, and be assured that I am unalterably yours. So without ceremonie, my dear lord, adiew.

June the 5th.

462. THE SAME TO THE SAME—His relations with the Duke of Hamilton.

June the 27th, 1700.

MY DEAR LORD,—I received both your letters dated the 18th and 20th, and am verry sensible of the favours yow have done me since yow went from hence. I doe assure your lordship that noe artifices of our enemys shall ever be able to make the least impression on me or create any jealousies that may have the least tendency towards divideing of us. I give your lordship thanks for your freedome with me in letting me know the reports of Lord H[amilton] and me, and I will with the same franknesse tell yow that upon honour he and I are in noe better termes then yow left us inn, and that as to the Cockeny expedition it was first concerte by our wives who were desireous to eat what they had often heard talk off, a stome of whittings. After dinner some part of the company play'd at cards with the ladys, the greatest number went into ane other room wher the bottle went round, and his Grace got his dose. He then said some things to people in the company with which they wer not verry well pleased and gave him sharp repartys : he all the while did not speak one word of yow, till coming home in my coach wher your nephew Crafurd was, he begane to take some liberty, which I had difficulty to gett Crafurd hindered to resent. Your nephew had not drank, so was the easilier perswaded not to fall foul of a drunken man. Lord H[amilton] lay ill all the next day, but the day after I sent for him, when befor Carfurd he declared that as he should answer to God he did not remember of any thing that passed. Yow wer not worse used by him then several others of the government, but he was madly drunk. Wee had not the least talk of bussinesse nor have had since, and I doe assure yow that I have noe inclination to have any concert of that nature with him, nor shall I ever be capable of abandoning the least of my freends on the account of his friendship ; much less can I hause a thought of adjusting matters without yow with him. At the same time, when I know from all hands the obligations I owe yow, so I doe once for all assure yow, my dear lord, that yow shall finde me unalterable. As to our tumult here, my Lord Seafield has accounts sent of our progresse in it and other matters, to which I referr yow. I am at a great loss for the want of your assistance. Be assured that I shall ever have a just sence of your friendship and that I am most sincerely yours. So, my dear lord, adiew.

463. THE SAME TO THE SAME—the holding of the General Assembly. 19th December
[c. 1700].

I HAD got a cold which hindered me, my dear lord, from writing to yow these two posts; for hanging of my head, when I am the least ill, is verry uneasie to me. I am absolutely of your minde that the want of vigour and life in the government at this time does great prejudice to the kings service, and I faile not to impart what yow write to him, and your measures seem to suite verry well with his inclinations. However, all at present can be done is to informe him of what wee have from your lordship and others, for till he knows what success his late letter to the councell has, I beleive he will take noe measures. Yow are verry kinde to let me hear from yow in the manner and with the clearnesse yow are pleased to doe. It may doe the king good service, and I hope your selfe to in due time. I never thought of the matter of the general assembly till your letter put me in minde of it, and now I finde some thoughts have been of sending down my Lord Carmichael, others of some other presbyterian lord such as my Lord Ruthven; but I think I may assure yow that the thesaurer depute will not have it. If yow incline to it, pray let me know it freely, and I shall not fail to doe my utmost endeavours towards it, tho I don't medle much in ecclesiastical matters, but I think this concerns the state almost as much as the church. Ther is now some company come to divert me, for I am truely not verry well; so I must end abruptly with assuring yow that I shall ever continu faithfully yours, etc.

December the 19th.

464. THE SAME TO THE SAME—The king orders his servants in Scotland to consult with Annandale about their measures.

December 26th [c. 1700].

MY DEAR LORD,—I have two of your letters to answer, but must beg leave to be verry short in a returne to them, being really much out of order, but by my next I hope to make it up. I read your last letter this day to the king, and did yow justice upon it, as I shall allwayes doe upon every occasione wher I can be usefull to yow. His Majesty wishes that his servants had been unite in the measure taken, but approoves of what is done and of your lordships carriage in it. He has ordered his secretarys to write to the chancellor that he advise with yow and his other principall servantes in every thing that concerns his government and service ther. I am verry much troubled at the divisione that happened amongst yow at councell, because I know it will have bad effects, and was surprised at some mens actings. They may possiblly finde the hurt of it at long runn. It remains that wee continue to doe our duty, and be assur'd that I shall allwayes continue to be faithfully yours, etc. So my dear lord, adiew.

465. JAMES, EARL OF SEAFIELD, to WILLIAM, EARL OF ANNANDALE—The proceedings in the Assembly.

MAY IT please your Grace, I have seen your letters to Mr. Carstairs, and I am very glad that his Majesty's affaires in the assembly do go on so prosperously. I am hopeful that it has had a happy issue befor this time. But, however, since your Grace desires it, I have sent an instruction from his Majesty impowering you to continue the assembly eight dayes longer in case you find it needful; for, as you observe in your letter, it is of great consequence to his Majesty's affaires in Scotland that the assembly part well satisfied.

I have been several times with the king since I came up, and I find him very well pleased with our proceedings, and it is thought by every one that wishes the government well here of very great consequence that matters were brought to so happy an issue. I send this by a flying packet that your lordship may timously have the instructions. Colonell Hamilton is ordered down for Scotland, and the king has ordered me to acquaint your Grace, and all others of his Majesty's government, that you may concurr in getting those three regiments that go for Holland quickly embarked : for they are necessary in Holland, and they are but expensive to him whilst they are in Scotland.

The colonells have got most of the transport and levy money in their hands, the only thing now wanting is that his Majesty has not as yet resolved how they shall be payed since the 1st of February ; but I shall endeavour very soon to have his Majesty's commands in this matter, which is all the trouble at present from, may it please your Grace, your most faithful and most humble servant,

SEAFIELD.

Whitehall, 8 March 1701.

466. JAMES, SECOND DUKE OF QUEENSBERRY, to WILLIAM, EARL OF ANNANDALE—The king had received him well. [March 1701.]

MY DEAR LORD,—Since parting I have received three or four letters from yow, and have ane extraordinary sence of the great kindnessse yow expresse for me in them. I doe with all my hart rejoice with your Grace in the good successe of your commission. I have not since my being here had any private audience of the king, except that of the night when I came to toun, wher nothing but general heads were talk'd off. His Majesty was pleased to receive me with great goodnessse, and to expresse a sense of my services much beyond the value of them. I beleive that noe bussinesse in relation to us will be thought upon till the great affaires now in agitation here shall once take a byasse. I shall befor that time endeavour to have yow here, and doe intend to propose it to his Majesty at my first waiting on him after his return from Hampton Court. My dear lord, be assured that nothing shall ever be more pleasing to me then opportunitys of serveing yow and your famelly. My wife has the same inclinations. She and I wish my Lady Annandale and your children all happinessse, and are with all sincerity yours, etc.

I hope your Grace will pardon the blots, which was done by accident, and after haveing supp'd at my Lord Rochester's. I beleive yow will excuse me without makeing further appologies.

467. JOHN MURRAY, EARL OF TULLIBARDINE, to WILLIAM, EARL OF ANNANDALE—The high value he placed on his friendship. 30th March [c. 1701].

MY LORD,—Give me leave to felicite your Grace vpon the honour you have of representing her [sic] Majestie at this time, and beleive there is no body dos it more harteley then I doe. Your Grace has oblidged me to the highest degree in that compliment you was plese to make me by Sir Robert Murray, of which I had againe the repetition from your Grace when I had the honour to waite upon you. Pray doe me the justice to beleive there is none will have a more gratefull sence of the honour you have made me of your frendship, and the desire you have of doeing for me at court than I. I will not trouble your Grace at this time in proposing any thing. I beleive you know best what is fit ; but whatever it be you shall now finde none to encline more to your interest than, my lord, your Grace's most humble and most faithfull servant,

Dunkell, March 30.

TULLIBARDINE.

468. JOHN, EARL OF MAR to WILLIAM, EARL OF ANNANDALE—Excuses for not telling him he was going to London. 18th December 1701.

MY LORD,—In my last I premist to wryt to your lordship when I came here, but I did not think it woud been on this account. I'm sorie to hear your lordship takes my coming here without teling you so ill. I thought we had been better one with another than to take jelosies at so small a matter. Had I not thought this, I had used your lordship with more ceremonie, but I cannot say it had been with so much friendshipe. The true matter was, I had a mind to be at London, not indeed upon the account of the politicks, for in them your lordship knows I have smal weight, but for a little privat bussiness of my own in which no body was concerned, and more to divert my self some time here this winter. I durst not tel our friends here of my intensions in case they had got me stopt, and I thought if I told any body in Scotland they woud have taken it ill, except the chancellour who I was oblidg'd to tel or otherways had him complean of me, as I've knownen him do before.

Now when your lordship knowes this I hope you will have other thoughts of me. Since ever I had the honour of your acquaintance, I'm sure I never had a thought against your interest, and if I had, I had been unjust considirg how much I've been oblidg'd to you. When your lordship considers all this, I cannot think you'll have any more recentments against me. I assure you I'm stile your humble servant, and woud be very sorie if we were not as well togither as formerly, and to live the same way shall be one of my chifest studdies. When I make friendshipes I don't love to breake them without some substantiall reason, and I wish my friends may be so just to me as to tel me and hear what I can say before they think me in the wrong to them. But this is an unpleasent subjeet, and I hope your lordship will be as wearie of thinking of it, as I am a wryting it. Thers nothing I like so ill as difference amongst friends, so woud not willingly give any cause of it.

I'll long to hear from your lordship, and if you have any comands here or comissions you shall find I will obey them very faithfully.

I have no news to wryt you but whats in the publick prints. Ther's been nothing of Scots bussiness yet spoke of that I can learn; nor will be til the king be some time at Kingsington, where he comes nixt week. Our secretaries are at Hamton court to-day to present some adresses. I kist the king's hand two dayes [ago] there, and ame to present some adresses to him on Sunday nixt. I'm glade to see him look so well. This is all I have to trouble you with, and whatever you think of me I assure you, I am in all sincerity as much as ever, my dear lord, your lordships most oblidg'd and most humble servant,

MAR.

London, December 18th, 1701,

Thursday's night.

469. SIR DAVID NAIRNE to [WILLIAM, MARQUIS OF ANNANDALE], stating that the Marquis of Lothian desires to be a Duke. 20th March 1701-5.

MY LORD,—I give your lordship the truble of this and others sometimes, tho I have noe more to say then to tell that noething materiall has occured since my last. Were I silent perhaps your lordship wold think I neglected my duty, which imputation I will, if possible, not ley under, at any rate with your lordship. Since our secretaries went I can not say anything materiall has been done. The D. of Ar. sayes he can not enter into the docing of business till I am in a capacity to assist him. They offer and desire that I should come in and serve month about, which is thought impracticable, for if two have a privaledge of signeing papers it wold be to contradict on another evrie day. But what seems more materiall is, to have the power

of representing and makeing the dispatches, and if the Commissioner have not on whom he can depend upon in that, he will find it very uneasy and inconvenient. They have taken a few dayes to consider on it. As for other changes, they are put off. I need add noething to what I have said about writing hither on that subject. The Marquis of Lotinean is here. I am told he puts in to be a Duke if the Earl of Roxborow is to be one, which gave me occasion to move your lordship's pretensions, and I hope I did not goe too farr in saying that you had the queen's promise at the first promotion. The Earle of Dalkieith was buried privatly last night. The paule was carey'd by the Duks of Argyle, Northumberland and Bolton, the Earles of Morton, Selkirk and Feversham. He is much lamented. The D. of Q. has not yet been able to goe abroad. Yesterday was the first time of putting on his clothes. I continuall, my lord, your lordship's most humble and most obedient servant,

DAVID NAIRNE.

March 20th, 1705.

Till I hear the new commission is past the sealls, I containow the former direction.

470. SR DAVID NAIRNE, Under Secretary of State, to WILLIAM, MARQUIS OF ANNANDALE—
Proceedings in the Assembly.

MY LORD,—I had not your lordship's of the 7th till yeasterday by the ordinary post. That of the 11th I received on Sunday morning by the flying packet. There was noething wrote to me that could intitle me to goe either to the queen or treasurer, if I had been at Newmarket, therfor I think its well I was not there. Mr. Wederburn went post. The queen comes to town on Thursday. I finde the Duke of Argyle is full as backward in wrtting as any other duke, and it is not for want of being minded, and particularly that about the Assembly's letter. I told it was customary to make them compliments on that head when they did not soe much deserve it, but I must tell your lordship he is mighty unacquainted in business, and particularly of doeing anything with the queen. I never mist one day of waiteing on his Grace and asking him whither he had any commands to lay on me about wrtting. He said he had noe thing to say but soe and soe; and its not my nature to be forward in knowing what I am not call'd to. That insult on the Ch[urch] is very extraordinary, and your friends here thinke that, and the obstruction that was design'd to your lordship in the Assembly ought to be inquired into and considered. Your lordship will receive another by this post; therefor shall add noe more, but that I shall always containow, my lord, your lordship's most humble and most obedient servant,

DAVID NAIRNE.

17 April 1705.

471. SIDNEY, LORD GODOLPHIN, to WILLIAM, MARQUIS OF ANNANDALE—A letter of compliment.

April 26, 1705.

MY LORD,—I ought not to have delayed so many days to have acknowledged the honour of your lordship's letter. I have given the queen an account of it, but I found her Majesty had received the same from your self.

Whenever your lordship has any commands to give mee relating to her Majesty's affairs, or for your own service, nobody shall receive them more willingly than, my lord, your lordship's most humble and most obedient servant,

GODOLPHIN.

472. WILLIAM PATERSON, founder of the Bank of England, to WILLIAM, MARQUIS OF ANNAN-DALE—A candidate for representation of Dumfries Burghs.

BEING advised by some of my friends to offer my service to the canton or class of Dumfries as their representative in parliament, and well knowing your lordship's interest and influence there, I hereby apply myself to you, for your countenance, without which I cannot expect success therein to my satisfaction.

If my business in parliament had been done six weeks, or two months sooner, I should have had an invitation from a place much nearer London; but that being over for this time, my eye fell next on the place of my birth, where I should most of all rejoice in being usefull.

If my friends think fit to choose me there, it will naturally bring me to lay myself out as much as possible for procuring the good of that part of the country, particularly of the several boroughs, towards which the justice, favour and regard I have lately had from the parliament of Great Britain will very much contribute.

I pray your lordship would favour me with a line of advice in this matter, and wherein I can serve your noble family, be assured of the utmost affection and diligence from, my lord, your lordship's most faithfull humble servant,

WILL^M PATERSON.

Westminster,
10 April 1792.

473. HENRY DUNDAS, Secretary of State for the Home Department, to [JAMES, THIRD EARL OF HOPE-TOUN]—Of the pacification of the country.

London, 23d December 1792.

MY DEAR LORD,—I received your letter of the 14th, but a greater pressure of business than I ever before experienced has made it totally impossible for me to write more than official and absolutely necessary business letters. The tide here is compleatly changed; all levellers are drooping their heads, and my only fear now is that they may proceed to any excesses on the other side. Every town in the country seems disposed to burn Thomas Paine in effigy, and the jury who tried him would not hear either the attorney-general's reply or the judge's charge. Mr. Pitt and I met for some hours last night, and went through all the informations which have come to my office, and we have so little doubt of the disposition and temper of the country, we have directed a variety of similar prosecutions to be instituted before the quarter sessions in the different counties, which meet in the beginning of January. Opposition is sunk to nothing, and Mr. Fox, after having made during the three first days of the session the most mischievous and inflammatory speeches I ever heard, has now found it necessary totally to succumb, and almost totally to retract every word he had said. Such is the tide of popular opinion and the current in favour of good order and government. I never was proud of being a minister before, but I do feel gratified in being one of those who, I do think, by their timely interposition of vigor and spirited measures have raised their country from despondency (for so it was for near a fourthnight) to its general dignity and elevation of character. I am delighted with the declaration from Culross, which I have just this moment seen. I take it for granted you will have no objection to be lord-lieutenant of the county of Linlithgow. I am now almost clear we ought to have a militia, and if I do not alter my opinion, I rather think before the recess I shall give notice that I mean to move it when parliament meets after Christmas.—Yours sincerely,

HENRY DUNDAS.

474. THE HONOURABLE MARY HOPE JOHNSTONE, to her father, VICE-ADMIRAL SIR WILLIAM JOHNSTONE HOPE, K.C.B.—Describing the coronation of King George the Fourth.

London, 22d July 1821.

MY DEAR PAPA,—I never before felt that any words or description of mine must entirely fail in conveying even a shadow of the glorious magnificence of Thursday, but you shall hear all. On Wednesday I was busied for Lady Hampden and Lady Moray, till so tired, there was no sleeping, which was a bad beginning. At 12 I was roused completely by bells ringing, guns firing, carriages rolling, and every outrageous noise that could indicate London gone mad. Began to dress, and breakfasted at $\frac{1}{2}$ past two with Frederie for my companion, on *mutton chops*. Then picked up the Northerisks at 3, and decided (contrary to my inclination as you may well suppose) on taking advantage of Sir B. Martin's offer of his *Boat*. So off we sett to Somerset House, and found the Strand line of carriages begun opposite the entrance. The morning was beautifull, and our silver shone most brightly under the rising sun. We landed at the Speaker's stairs, and met Lord Sidmouth, who directed us out through hundreds of lounging, half-sleeping soldiers, who, not being yet on *active* duty, looked like the dead and dying after some great conflict, having been there from 11 the night before. On entering the hall it was even then $\frac{1}{2}$ full, as the plan was to see the procession marshalled, and then go to the abbey, but this our party gave up, as we should see it return in order the same as it went. But I am no favorite of fortune, as my ill luck proved, for in the narrow, dark passage below the hall galleries, notwithstanding endeavours on both sides, I lost my whole party!! There was no time for faints or fits, so I made for the first opening. I found myself on the steps of the throne. Having been there before I knew the way out; and all the doorkeepers, being gentlemen, in scarlet and gold, I hoped I might find a friend among them, that his Majesty might not think I intended to personify the queen. I speedily retreated towards the abbey, and in the first passage met Miss Kinnaird (who had not time even to pity me) going a contrary way, so I stated my case to a very smart full-dressed elderly gentleman, very like the Duke of Wellington, and ended by saying he must help me. He laughed, and away we went, and encountered a lady, wringing her hands, and in despair apostrophizing "her dear Lady Ellenborough, who she never should see again." I begged her to take hold of my arm, and most thankfull she was. We got into the abbey easily and got excellent places, but not even the peers could see the *actual altar*, so we behind also lost the best of the ceremony. My gentleman was obliged to go, having seen me safe, as he said, and I found my lady very pleasant, but who either were I have not the least notion. By 5 we were in the abbey, and the procession did not move till 10. Quantities of friends came in during that time, but I could not get near one, and amused myself with a beautifull little boy of 8 years old in *full court suit*, with a sword and chapeau bras much larger than himself. He said he was son to a Portugese viscount, and godson to Lord Beresford with whom he scald for education. At 11 the trumpets announced the entrance of the procession, Miss Fellowes and her six Floras, all very ugly and too old. Then filed off to their seats the peers according to degrees, knights of different orders, clergy, etc., etc., princes, and the king under a splendid canopy of cloth of gold, himself clothed in gold from head to foot, with a train of superb crimson velvet embroidered all over in masses of gold, so long and heavy that the pages had to bear it on their shoulders; his hat of black velvet, a la Henri 4th, with a splendid plume of white feathers; the pages habited in white satin and silver, with slashings of pale blue sattin and a little mantle of the same—of which the most beautifull was Lord Tyrone, Lord Waterford's son, page to Lord Beresford, a little fair, curley-headed boy, quite a child, but so intelligent

and active, always foremost in his testimony of joy and delight. I can give no idea of the scene at the moment the king entered the abbey, the whole choir singing the Hallelujah Chorus, which, with the drums, trumpets, and guns outside, were completely *drowned* by the shouts of enthusiasm from every corner of the abbey, princes and people. The king was deeply affected, and in bowing, with tears in his eyes he frequently put his hand to his heart in testimony of satisfaction. The acclamations continued unbounded, to the *indecorus* interruption of the service, particularly when the Archbishop of Canterbury read the Recognition and the anthem of May the King live forever—it produced an effect upon every creature beyond description, ladies' handkerchiefs, knights' caps, and peers' coronets all waving in the air amidst thunders of God bless the King—our friend of Clarence's batton flying far above every one else, and the *Duke of Gloucester alone not moring*. The sermon by the Archbishop of York was excellent, appropriate and proper, and the king shewed he felt it so, and many parts were *almost* applauded, so you may fancy how little we thought ourselves in a church. The most touching scene was the homages, and affected every body beyond description. When the Duke of York went up and gave the fraternal embrace, which appeared from both with hearts of the profoundest affection, the king laid his head completely on the kneeling duke's shoulder for fully three minutes, grasping his hand. When they rose, the faces of both were in a state of tears and agitation quite dreadfull, and on the king's part almost alarming, but a few minutes took it off; and tho' he received both Cambridge and Clarence with marked affection, there was not the same profound emotion as with the Duke of York.

Then followed all the peers to kiss; but as people began then to move and think of the hall, the remainder of the ceremony being all quite up at the altar, I and my lady friend came too; and as good fortune would have it, in the entrance I stumbled upon William Douglas, so I bound him to attend me for the remainder of the day till I found Lady N[orthesk]. We got very excellent places in the front of the gallery, and saw the procession move in beautifull order, and no words can describe the scene. The galleries blazing with jewels and bright with silver, gold, and all shining ornaments; the sun shining brightly, and millions of gilded lamps and candles, which gave the whole a soft, glittering appearance beyond description, in richness and effect; the tables for the banquet loaded with superb ornaments, and the quantities of massive gold plate decorating the royal table and sideboard; while moving up the centre of the hall was one congregated mass of gorgeous magnificence. Peers with their coronets, the quantities of white plumes, and varieties of colours and dresses, made it a scene beyond eastern splendour. Lord Londonderry and Prince Leopold as knights of the garter were beautifull; the former had a hat band of diamonds 2 inches wide. Then the king in his crown of one mass of diamonds and purple velvet, his train of purple velvet embroidered all over in the richest silver; and the closing mass of ambassadors, their wives, and foreigners in every uniform and colour one can imagine. Princess Esterharzy in a blaze of diamonds, and the old Prince E[sterhazy] in the famous coat which more resembled that of some fairy tale than reality—a hussar uniform with six stars of the most splendid diamonds, suspended by rows of the most magnificent pearls, and the epaulettes, back, seams, cuffs, and remainder of the breast all embroidered in pearls; in his hat a large feather, aigrette and band of diamonds, as also his shoe rosettes, and buckles at the knees.

You really cannot fancy a fairy scene of such splendour, with a bright sun shining on it, and to look up the hall at that moment when the Royal Band played God save the King, coronets, plumes, hats, handkerchiefs, all flying in the air and a loud echoed blessing from every mouth on the king's head. The king then retired for 2 hours before dinner, and we all walked to and fro, it being 7 o'clock by this time, and I got from Lord Montague a glass of champaigne which contrived to keep soul and body together; it was the first thing I had tasted since 2 in

the morning. At 8 the gentlemen pensioners were marshalled, and the drums, and Lord Gwydir's active wand, announcing the speedy return of the king, we all flew to our seats, and he shortly entered, amid the same unbounded testimony of delight. Then came Lords Howard, Anglesea, and Wellington on horseback to announce dinner, the gentlemen pensioners, 30 in number, bearing the golden dishes of meat just behind them, and passing up between them in two rows to the royal table where the clerk of the kitchen placed them on the table, the king sitting, as I enclose a sketch with the princes on his right and several nobles of state upon his left. The horses then retreated backwards, as also the attendants, and beautifully it was done by both Lord Wellington and Anglesea, but Howard was in a great fright, pulled the horse (Astley's) by the curb so tight that in revenge he gave sundry very pretty plunges, the noble lord swearing like a trooper. The doors were again shut and the dinner went on, but *all the spoons* were forgotten, and as the king eat only soup he did not like the delay. That course ended and carried off in the same style, presently was heard a loud electrifying blast of the trumpet and a loud knocking at the gate which announced the champion, every creature testifying the utmost anxiety and delight. He entered a few paces within the hall, and the challenge being read, threw down the gauntlet with an air of most determined unquestionable defiance which every creature echoed as *perfect*, which most completely said "no one can dare to question the right I have espoused," himself looking so fierce and austere that I scarcely knew him for the same man Sir Pulteney had taken me to see practice his horse 2 days before. The gauntlet returned, amid loud cheering and trumpets again sounding, at the centre and at the steps of the throne the same ceremony was performed, the horse as quiet as possible, yet going at a graceful prancing pace, and the champion sitting so easily and gracefully that all the ladies were in extacies. On the final return and putting on of the gauntlet, the king pledged him and drank his health, upon which the cup-bearer bore the same cup (a beautifull massive gold cup and cover of antique form), filled with wine, and presented it to the champion, or rather *Iron man*, for such he was, when he bowed to the king till his plumes touched the horse's mane. Then holding out the cup and raising his head and person most erect and warrior like, when every one expected he would quaff off the contents in silence, in a voice that resounded to every corner of the hall deep and distinct, he said "Long live his Majesty King George the 4th," and drank off the wine. I never saw any one so enchanted and delighted as the king, and it was even said at the royal table—what a pity had the few months of 21 prevented this young man from exercising what "he seemed made for." He then retired, backing his horse with *one* hand only, the cup in the other, and went almost by a thread so straight, notwithstanding the kicking and plunging of my Lord Howard's ill-managed steed, which with its ample tail nearly swept some of the gentlemen pensioners off the land of the living. The acclamations during all this time almost surpassed those at any other, except on the king standing up and drinking to his "Peers and good people" in return for their drinking his health, *then* indeed it was *quite too much*, but many was the tear of delight shed that day. The choir then sung God save the King, and I may indeed say I never did before hear it sung with a shadow of effect; it was quite electrifying, particularly the stanza of "Scatter his enemies." After that was sung Non nobis Domine, two gentlemen pensioners were knighted, and several other ceremonies of the presentations of different offerings—among who[m] I saw the Duke of Athol with his falcons on his arm attended by his principle falconer: and about $\frac{1}{2}$ past 8 the king rose to retire amid shouts that shook the very foundation.

Then we all went down into the hall (I having happily found Lady Northesk and all my party), where *at last*, when we could scarcely swallow, we got something to eat, and for some time walked about and saw all our friends like any great rout, but far more magnificent, and about $\frac{1}{2}$ past 9 got to our boat without difficulty after hopping over some hundred sleeping

soldiers who had been on duty nearly 30 hours, but all in the greatest good humour. At 10 I was home and putting a pellise over the remains of my tattered and torn finery, took Mrs. S. and Miss Hope to see the fireworks in the Park and various illuminations, which were beautifull. We drove till 12, after which I slept for 15 hours so profoundly that I never fancied I had been asleep!! but still was dreadfully tired. I instantly went to inquire for my friends, and found all well except Lady Hampden who had crysipelas in her ankle with pure fatigue, and to my amazement Lord Hampden as brisk as possible and laughing at her for being the worse. When he did homage, the king in the most considerate manner, on seeing his frailty, said "That will do, do not kneel, Hampden," and the Duke of York would not let him walk back in the procession, but made him rest for 2 hours in his own room at the king's entrance to the Abbey. He was evidently depressed, and I should almost say, apparently apprehensive, which we fancy was the knowledge of the queen's intention, for the moment it was known and communicated to him that she had been, and no one caring for her coming and going, his spirits rose and he appeared a different man even in his walk, tho after so much additional fatigue. She [the queen] was fairly 5 or 6 steps into the Abbey alone, but took fright and said she must have her attendants. With only one ticket among nine, Lord Hood's, there was no chance of this; the doorkeepers were all respectfull but determined, so after 3 attempts at the Abbey she went to the hall and tried, with equal success, 4 different doors, ending with the great entrance, where she asked a common soldier if he had orders to keep her out. He said he had not, true enough. Upon this the king's immense porter snatched the musquet, saying, "if you have not, I have, and there is no entrance for you, Madam, here or into any palace of my Royal Master." She gave a sort of hysterical laugh and sent for Lord Gwydir as [and] put the question to him. His reply was, "If you do not instantly retire I must exercise against your Majesty the force with which I am authorised." Lord Howard's words were nearly the same (and pretty strong for two peers who voted for her last year!). Her rage was dreadfull, she knocked the baton out of the hand of one of the constables ordered to see her to her carriage, and several gentlemen told me (who attended her in her various trials for entrance to see what she would do) that her language and swearing were so dreadfull they could not repeat it—the mob returning it and always ending with "Go to Como, Go to Como." About 200 of her friends did get within the first barrier of the Abbey, which for a few moments made it unpleasant, but the number of military was effectual, one of which [whom] was stabbed in the thigh.

There were no other accidents except two in the Abbey of a most distressing nature. On the entrance of the king and the burst of the Hallelujah Chorus, with the vast magnificence and sublimity of the whole scene, had such an effect on one gentleman as to cause his dropping down in palsy, and another in a fit, of which he actually died before he could be carried out. His screams and that of his wife were dreadfull indeed. We heard he was a clergyman and subject to epilepsy, but it was very distressing to every one in the midst of such a scene.

In the Hall the high stewart, Lord Anglesea, fancied his duty done when the dinner was on the table, and did not return, so a herald was sent to say his Majesty could not dine till he came and took the covers off, when Lord Anglesea was in great distress, not being allowed to ride except in announcing dinner, and as he said, "unable to walk with his riding leg on," which caused a great laugh. So he had to be much supported, but got along very well, tho' much more lame than usual. Both he and the Duke of Wellington complimented the champion highly on the manner he discharged his duty, but every one was delighted with him. The foreigners and ambassadors were all in extasy with the whole scene. A gentleman who had been all the time with them came and told Lady Northesk, and Baron Fagel said the same to Lady Melville, as well as several to Lady Hampden, particularly old Stackelberg the

Russian, "that of all they had ever seen at Rome, Petersburg, or other courts, and all they could fancy of splendour and magnificence, our coronation was the most superb," and that "it was the most glorious destiny that could fall to the lot of man, being king of such a country and people." This is particularly gratifying. The homage put them all in tears, in short, they cannot express their delight, and no wonder, for it is a scene that must be *seen* to be felt and understood, no description under Heaven can convey an idea of it. I have sent you the best having cuts, the Observer, and any others that I can get I will also send, for I should like to convey even a 10th part of the overwhelming delight I experienced, never to be forgotten. It is a great pity you did not stay, for it was worth *any* fatigue. A friend of Lady Hampden's met Sir M. Tierney coming out of Carlton Palace about eleven on Friday morning, and anxiously enquired for the king, as every one did. He said he had just left him in perfect health, and that he had said on Sir M. asking how he was, "such as *that* never can hurt me, I have not spent a day of *such happiness* for 20 years," and Sir M. said he really looked so well and in such good spirits he never could have fancied he went thro' an 8th of the fatigue.

We were, with many others, amazingly lucky in getting off easily, for there were 2000 ladies and gentlemen sleeping on the benches of the House of Lords at 6 o'clock on Friday morning. Five hundred carriages never got up to the Abbey or Hall to bring home the mistresses, and were seen standing in a string from Hyde Park corner, with many of the horses taken off and feeding at the side of the street and the servants asleep on the pavement. Frederic Hope took charge of Miss Kinnaid till 2, but grew too sleepy for further use, so a peer proposed they should repose together as his robe was large enough to cover both, and they slept for two hours, [Frederic]'s cocked hat serving as pillow to a lady reposing at their feet. Imagine the scene, the robed peers and feathered ladies all sprawling promiscuously on the benches, floor, steps of the throne, in a sleep so profound as if they were enchanted!

I saw Sir A. Cochrane yesterday, wishing George to go straight to Plymouth after passing, so I have written him to that effect. The queen positively goes to Edinburgh, I trust she may meet with an indifferent reception. I forgot an incident that caused much commotion at the banquet. Glengarry, in full Highland garb, getting into the peeresses box and exclaiming "he was defrauded of his rights in the refusal of some title," drew from his belt a pistol and pointed it at the king! the *horror* it caused you cannot imagine. He was immediately pinioned and carried out by six constables. They found the pistols unloaded, but the circumstance was unpleasant and improper. Walter Scott seemed enchanted with the whole scene, and is the only person who can describe it. I hope he will. If I find any prints or plans more distinctly illustrative of all the proceedings, I will send them for the better understanding of the party at Rachill. This I mean for Alicia and the public if she can read it thro', for I am sure you never will, and it is not a history one can undertake above once the detail, but these capital newspapers, tho' they give *no notion whatever* of the scene, explain more minutely than is in my [power]. With love to John and Alicia, my dear papa, your affectionate daughter,

M. HOPE JOHNSTONE.

Frederic goes to the Isle of Wight for 10 days and will see George in passing. Tell William he does not know what he lost in not coming for the coronation.

Addressed : To Vice-Admiral Sir William Johnstone Hope, K.C.B., M.P., Raehills, Moffat, N.B.

[EXPLANATIONS OF CUTS AND PLATES REFERRING TO THE HALL AND ABBEY.]

Cut 4.

1. Great south window. Royal band over the archway—below, entering is the champion in the act of first throwing the gauntlet, the herald having read the challenge. Lord Wellington on the right, and Lord Howard on the left (his horse plunging, and himself very frightened, facsimile), a herald on each side bearing the arms of Dymoke, 6 pages, and esquires behind (unseen in the plate) in splendid dresses of scarlet, blue, and gold. Peers at dinner on either side, the blue ground-cloth strewed with flowers, and the surrounding galleries filled with spectators.

Plate 3.

1. The throne and royal table, at which sit the king, princes and great officers of state. On the right is the box for princesses—above, the great chamberlain's box—and opposite, that for ambassadors and foreign ministers. Next to the latter sit the peeresses and the remainder of that gallery for peers' tickets, the other three being for spectators generally with other tickets. At tables

4, Sit dukes, marquises, privy councillors, knights of the Bath, grand crosses. At

5, Sit earls and viscounts. At 6, sit earls and barons. 7, both sides, are the gentleman attendants in their very becoming habit of a short scarlet frock trimmed with gold lace, and sash of garter blue silk knotted at the side, ruff à la Henri quatre.

8 is Lord Anglesea with Lords Wellington and Howard on horseback to announce dinner, which is carried at 9, by the gentlemen pensioners behind, each having a gold dish of meat. Those going *before* the Lord High Stewart is [are] a mistake, none did.

10 Table, sit commanders of the bath.

11. Remainder of barons. At the very end sat Lord Maryborough, apparently enjoying himself much, as I saw from the front row of opposite gallery where I sat near to the peeresses. Each table had two immense candelabras of gold, making 12 in number—each bearing 30 candles, and from the angles in the ceiling were suspended 28 large chrystal and gold chandeliers with 40 lights in each which gave a most brilliant effect, but added *dreadfully* to the overwhelming heat.

Plate 1.

Each side of entrance 4, sat knights of the Bath, both degrees, privy councillors, and all forming the procession, except princes, peers, officers of state, bishops, and those necessary to the ceremony. At the end of these benches, stood 8 kings at arms with their sceptres. At 7 sat heralds. To the left of heralds sat barons, viscounts, earls, marquises; behind them 105 peeress[es] and the remainder of the vast amphitheatre reaching to the window, filled with spectators. Opposite sat the princes, remainder of the peers, and the whole vast space behind entirely allotted for peers' tickets. Gentleman attendants—an *awfull* squeeze. I have marked so x, where I could see from my situation, so you may judge by the angle where I sat in that aisle of the Abbey. It just cut the king off when at the altar; all the other ceremonies I saw. Lady Melville sat just over the altar with 60 other peeresses, and could count the jewels on the crown and sword, a most enviable seat.

No. 2 requires no explanation.

I did not know the champion was on this sheet; I will send a better sketch of him. John won't approve of the horse. I fear.

[This refers to a half-efaced sketch in pencil of the champion.]

Mary Percy

A CENTURY OF
ROMANCE OF THE ANNANDALE PEERAGES.
WITH LETTERS OF HENRY, LORD BROUGHAM,
LORD CHANCELLOR

1792-1894.

No history of the family of the Johnstones of Johnstone, Earls and Marquises of Annandale, would be complete without a notice of the claims to the peerages of Annandale. These have been before the House of Lords as subjects of contest and litigation for upwards of a century, and are still not finally decided by that august tribunal. This, together with the many eminent lords-chancellor who have heard and adjudged upon the particular claims, the array of able and learned counsel at the English and Scottish bars who have been engaged in them, the amount of evidence which has been adduced, the number of the printed cases and speeches, the difficulties encountered, and the several intricate points in peerage law which have been settled, all concur in constituting the Annandale case as one of the most celebrated which has engaged the attention of the House of Lords, and as one which has occupied it for a longer period than any other.

In the exhaustive memoirs of the first Earl of Hartfell, the first Earl of Annandale, and the first Marquis of Annandale, which are given in the first volume of this work, the history and creation of their respective peerages of Johnstone, Hartfell, Annandale, Anmard, Lochmaben, Moffatdale and Evandale, are all minutely detailed, and must be referred to for the origin and creation of these respective peerages. But it seems necessary to supplement these Memoirs with the present statement to explain, if possible, why it is that all these peerages, the original patents of which under the Great Seal are all existing and entire, and duly registered in the Great Seal under their respective dates, with more claimants for them than ever appeared in any other case, should have remained for upwards of a century entirely dormant.

In making such a statement and review, it is not intended to cast any ungenerous reflection on the august tribunal of the House of Lords, or on any individual member of that great assembly, from the lords-chancellor who have taken part in the long-continued hearings of the case, or on any of the claimants or counsel acting for them from time to time. But it does seem strange that these peerages, on the claims to which vast learning and means have been expended, should still be in a state of dormancy. Even our great national novelist, Sir Walter Scott, has expressed his regret that the name of Johnstone, whose estates were so extensive, and still so nearly entire, should have dropped from the roll of Scottish peerages, when these estates have been inherited by and are in such worthy hands. The statement which follows is chiefly founded upon the officially printed Minutes of Evidence in the Annandale peerage proceedings, the official reports by shorthand writers of the speeches of counsel, and other papers in the Annandale charter-chests.

The century of litigation which has taken place in reference to the Annandale peerages may be divided into three epochs or stages in the progress of the claims to the peerages.

FIRST PERIOD.

From 29th April 1792, when George, third Marquis of Annandale died, to 15th May 1834, the date of the proposed judgment by Lord Chancellor Brougham in favour of the claim of the late John James Hepe Johnstone, Esquire, of Annandale.

THE JOHNSTONES OF WESTERHALL AND THE ANNANDALE PEERAGES.

CLAIMS MADE BY THEM, 1792 AND 1805.

After the death of George, third Marquis of Annandale, Sir James Johnstone, Baronet, of Westerhall, was the first to lay claim to the Annandale peerages. He claimed to be heir-male general to the third marquis, and to be descended from a Matthew Johnstone, who he averred was the second son of Adam Johnstone of Johnstone, owner of the Johnstone estates in the year 1413-1454. In anticipation of the marquis dying without issue, the Westerhall family had over a lengthened period made extensive investigations to discover proof of their descent. Their opportunities for doing this had been peculiarly favourable to them. Both the father and grandfather of the claimant were advocates at the Scottish bar, and were successively employed as factors or otherwise on the affairs of the Earls and Marquises of Aun-

dale. In this way, they had the freest access to the Annandale family muniments. In December 1742, when Sir James Johnstone, the father of the claimant, was acting as commissioner for George, third Marquis of Annandale, he had an inventory made of all the family muniments in the possession of the marquis. That inventory extended to six hundred folio ms. pages, and was completed in December 1744, having occupied two years in the preparation of it. As the inventory was prepared at the instance of Sir James Johnstone, it was delivered to him when completed. It remained in his hands for some time, and he got copies made of several parts of it, and also took notes therefrom which have since been preserved in the Westerhall family.¹

On 7th March 1748, at an inquest commissioned by the High Court of Chancery of England, Marquis George was declared incapable of managing his own affairs, and to have been in that condition since December 1744. The marquis survived forty-four years after that finding of the Court. During this time the Johnstones of Westerhall were actively engaged in acquiring the fullest possible information in regard to the history and descent of the Johnstones of Johnstone and Annandale. Living in the same county of Dumfries in which the Annandale estates are situated, and several of their family being men of position and influence, and also acting with zeal and earnestness, the Westerhall family were accorded ready access to many of the county charter collections, including the repositories of Drunlanrig, which were perhaps the most extensive in Dumfriesshire. During the same period they also made exhaustive searches in the public records both of Scotland and England.

A few weeks after the death of George, Marquis of Annandale, in the end of April 1792, Sir James Johnstone of Westerhall presented a petition to the King claiming all the peerages which were held by the marquis. On 12th June thereafter the King referred the petition to the House of Lords, who, in turn, sent it to their Committee of Privileges. James, third Earl of Hopetoun, who was the grand-nephew of Marquis George, on 9th July of the same year, was returned heir in special of the marquis, and, on the 20th of the month, he was infest in the estate of Annandale. On 15th April 1794, Sir James Johnstone of Westerhall laid his printed case upon the table of the House of Lords.

The House ordered the Committee of Privileges to meet on 13th May to consider the case. On that day the Earl of Kinnoul presented a petition to their lordships on

¹ Printed case for Sir James Johnstone of Westerhall. Appendix, pp. ii and iii. Letters and papers in the Annandale Charter-chest show the existence of a belief that the in-

ventory was projected and made more in the interest of Sir James Johnstone than of the Annandale family.

behalf of James Johnstone, Earl of Hopetoun, craving to appear for his interest by his counsel at the hearing of the claim of Sir James Johnstone. The Earl of Hopetoun received an order of the House permitting him to appear by his counsel before the Committee, and be heard for his interest. In the meantime, on 3rd September 1794, between four and five months after lodging his case Sir James Johnstone died before the hearing of it had commenced. He left no issue, and his baronetcy and estates were inherited by his next brother, Sir William Johnstone. Sir William married the heiress of the Earl of Bath, and having added the name of Pulteney to that of Johnstone, he was frequently designated Sir William Pulteney, Baronet. The next claim that was made to the Annandale peerages by the Westerhall family was on 17th June 1805, when Sir John Lowther Johnstone of Westerhall presented a petition for them. While his claim was still in dependence, in December 1811, Sir John Lowther Johnstone died.

CLAIMS MADE TO THE PEERAGES BY THE EARL OF HOPETOUN AND THE JOHNSTONES OF ANNANDALE, 1795, 1816, AND 1820.

Prior to the claim of Sir John Lowther Johnstone a series of claims to the dormant peerages was commenced other than that made by the Westerhall family. When it became known that Sir William Pulteney did not intend to claim the Annandale peerages, the Earl of Hopetoun, in December 1795, presented a petition to the King claiming the titles of Earl of Annandale and Hartfell, Viscount Annan, and Lord Johnstone of Lochwood, Lochmaben, Moffatdale and Evandale. His petition was referred to the Committee of Privileges. The Earl took no further action.

Five years after the death of Sir John Lowther Johnstone a fourth claim was made to the Annandale peerages. The claimant was Lady Anne Hope Johnstone. Her ladyship was the eldest daughter of James, third Earl of Hopetoun, whose claim to the peerages has been already noticed. Lady Anne, on the death of her father on 29th May 1816, succeeded to the landed earldom of Annandale and Hartfell and lordship of Johnstone. She presented a petition in 1816 claiming the titles, honours, and dignities of Annandale, granted by the patent of 1661. Her ladyship died on 27th August 1818 while her claim was still in dependence.

Another claim to the still dormant peerages of Annandale was made in June 1820, when John James Hope Johnstone of Annandale, Esquire, the eldest son of Lady Anne, presented a petition claiming the peerages under the patent of 1661. The petition was referred to the Committee of Privileges on the 6th of July following.

PROCEEDINGS UNDER THE CLAIM OF JOHN JAMES HOPE JOHNSTONE,
ESQUIRE, OF ANNANDALE.

The claim of Mr. Hope Johnstone did not come up for hearing till 28th April 1825. On that date counsel for the claimant and the Crown were called in. There was no appearance made for any other claimant than Mr. Hope Johnstone. That session of Parliament was devoted to leading evidence in support of his claim. During the sittings of the Committee there were produced on behalf of Mr. Hope Johnstone the four patents of the Annandale peerages created in 1633, 1643, 1661, and 1701; also evidence to prove his propinquity as well as other documentary evidence.

At the first sitting, on 28th April 1825, Mr. Adam opened the allegations of the petition. At the last sitting, on 23d June following, Mr. Keay summed up the evidence in support of the claim of the petitioner. In his speech Mr. Adam referred to the patent of 13th February 1661 under which Mr. Hope Johnstone claimed, dealing more largely with the question of construction, upon which he held the case must ultimately be decided. He stated the way in which the claimant connected himself with the titles, and laid down the rules of evidence in Scotland with reference to the construction of the limitations contained in the patent.

In the course of his speech, Mr. Keay stated the pedigree of Mr. Hope Johnstone. The heirs-male of the body failed in 1792, on the death of the last marquis, and the question arose who was the heir-female then. Lady Henrietta Johnstone, Countess of Hopetoun, was dead, and could not be the heir-at-law, and John, Earl of Hopetoun, her eldest son, was dead. It followed that James, Earl of Hopetoun, the grandson of her ladyship, being the eldest surviving son, and the successor of Earl John, was the heir-female. James, Earl of Hopetoun, had only daughters and no sons, and Lady Anne, his eldest daughter, was the next heir-female. As the patent of 1661, under which the present claim was made, provided that the honours should descend to the heirs-male of the body of the eldest heir-female, the claimant, Mr. Hope Johnstone, the eldest son of Lady Anne, held that he was entitled to the succession.

When Mr. Keay finished his speech summing up the evidence in support of the claim of Mr. Hope Johnstone, the Lord Chancellor asked if there was any report from the Lord Advocate upon the subject. The Attorney-General replied that the Lord Advocate had gone into Scotland and left it to the English lawyers. The Lord Chancellor demurred to proceed with a Scotch peerage case in the absence of the Lord Advocate, and the Attorney-General was not prepared to enter upon the subject

without further time. The case was therefore ordered to stand adjourned till next session.

CONSTRUCTION OF THE LIMITATIONS OF THE PATENT OF PEERAGES OF 1661.

When the Committee of Privileges again met on 6th March 1826, the Lord Advocate was heard in part on behalf of the Crown. Three days later, at a subsequent meeting of the Committee, he finished his speech, when the Attorney-General (Copley) also addressed the Committee in a speech of considerable length.

Both of the law officers of the Crown considered that Mr. Hope Johnstone's case turned upon the construction of the limitations of the patent of 1661. It has been already seen that this was the view taken by the claimant's own counsel. The Lord Advocate, and after him the Attorney-General, confined themselves in their speeches to the discussion of this question. The Lord Advocate said, "My Lords, the question, as I have already stated, on which this case turns is the construction of the patent granted by Charles the Second in favour of James, Earl of Annandale, dated in the year 1661. My Lords, I say, this is the only deed on which the question turns." The Attorney-General expressed himself in like terms. "I say frankly and fairly, that I rest principally upon the first ground, namely, upon the construction of the patent of 1661." Each of them dealt largely with the subject of the first limitation, which was to heirs-male. Upon this subject they combated the view advanced by Mr. Hope Johnstone that the term heir-male meant heir-male of the body. They argued that when applied to a Scotch title, in the sense of the law of Scotland, the phrase meant heirs-male general of the patentee, and not heirs-male of his body. They quoted authorities and precedents in support of this.

With reference to the charter of resignation of 1662, which was to the heirs-male of the body of James, Earl of Annandale, and which Mr. Hope Johnstone alleged reflected the meaning of the term "heirs-male" in the patent of 1661, the law officers of the Crown held that it was not admissible evidence on the subject. They said it was a charter not of the title but of the lands and estate belonging to it, and that the limitations or intentions expressed in it could not bear upon or assist in the construction of a former instrument. While assuming this attitude upon the bearing of the charter of 1662 on the patent of 1661, the Lord Advocate admitted that the different substitution of heirs in these two deeds was legitimate matter for wonder. He said the deed of 1662 "only goes to excite some degree of surprise that the patentee should choose to take his estates to a different description of heirs from that which was contained in his patent." Further, it was a charter of resignation, but the Lord Advo-

cate pointed out that, in his speech, Mr. Keay admitted there was no resignation of the honours of Annandale previous to the grant of this charter.¹

The speeches of counsel for the Crown were replied to by Mr. Adam, on behalf of Mr. Hope Johnstone, on 13th March 1826. Mr. Adam's speech is a very long and elaborate one, extending to eighty-seven folio ms. pages. He displayed great ability in dealing with the several objections raised by the Crown. He disposed of the question of pedigree stated by the Lord Advocate. He showed by the retour of 1792, which he formerly put in evidence, that James, Earl of Hopetoun, succeeded as heir of provision to his grand-uncle, George, Marquis of Annandale, who died in that year; and that he could not have done this unless the first Earl of Annandale had but one son.

From the question of pedigree Mr. Adam proceeded to the legal question. He was confronted here with the dictum stated for the Crown, that in the absence of anything to explain the words, heirs-male are to be construed as heirs-male whatsoever. Mr. Adam, in opposing this, laid down the principle, that it is not to be presumed that the Crown has made a large grant where a grant of a more limited construction would explain the circumstances of the case. He therefore held that in the circumstances stated heirs-male should be taken as meaning heirs-male of the body, and that at any rate the matter was a fit subject for discussion at their lordships' bar. At the same time, in the present patent he conceived he might derive a strong argument from other terms contained in it.

THE EXTENDED CONSTRUCTION OF 'HEIRS MALE' RENDERS THE LIMITATION IN THE PATENT TO HEIRS FEMALE INOPERATIVE.

Upon the question that a patent of peerage is to be restrained and not extended, Mr. Adam made a statement about the intention of the sovereign in granting a patent of peerage, which led to the following colloquy between the law lords and counsel at the bar. Mr. Adam said that when the king intends to enoble a person who has done the

¹ That admission upon the part of Mr. Keay, it will be afterwards shown, was a mistake. A resignation of his titles of Earl of Hartfell, Lord Johnstone of Lochwood, Moffatdale and Evandale, and of his whole lands and baronies, was made by James, second Earl of Hartfell, for a re-grant

thereof in favour of himself and the heirs-male of his body, whom failing to the heirs-female of his body. The resignation, which was made on 19th June 1657, was only discovered by the writer of this work in 1876 in the circumstances to be hereafter described.

country a benefit, his object is to ennable the individual and the descendants of his body. It could not be supposed that it was his intention to ennable the distant collateral heirs, who might be so far removed as neither to be the objects of interest on the part of the grantee nor on the part of his Majesty. The Lord Chancellor replied, referring to a case once heard at the bar of the house, in which it was proved that in different instances a person who had a grant of a Scotch nobility could sell it. Mr. Adam assented that this had been so in the case of territorial earldoms. The Lord Chancellor observed that in these instances a grant of dignity seemed to be taken as the intention of the king "not only to ennable them, but to enable them to ennable anybody else." Lord Redesdale said, "If the words *heirs-male* are to be construed in the extensive sense which has been argued, how could there ever be an extinction of the title, if you could only prove the fact of an heir, every descendant of Japhet might be a male through a male." Mr. Adam—"Any son of Adam and Eve, my lord." Lord Redesdale—"No, you may stop at Japhet. Shem and Ham are thrown out of the question." Lord Chancellor—"I remember they gave us one instance of a naval officer, who was a Scotch nobleman, and who made a nobleman in his place every time he went a voyage." Mr. Adam—"I believe Lord Rutherford was the lord to whom your lordship refers. He certainly on going abroad on the king's service made a will granting that title." Lord Chancellor—"Is not there a Scotch peer now whose ancestor received the nobility from the father of his wife, he giving up what in England they call her *forfeiture*, and, in Scotland, her *tocher*?" Mr. Adam—"Undoubtedly, my lord, there was great laxity in the grants. I believe, as far as I can trace, that that arose from the circumstances of the titles being connected with the land; and it was very much in consequence of their coming into commerce, to use the expression, as heritable offices are clearly still, that these circumstances took place." Lord Chancellor—"No one, I suppose, has examined all the cases so as to ascertain whether the cases that have been determined were grants both of the land and the nobility, in which you would apply the principle of a landed grant to the grant of nobility, or whether they were grants of nobility only." Lord Redesdale—"I want to know how it would be possible that this title could ever come to the daughter of the grantee, because if the extended construction of *heirs-male* is well founded it never could come to the daughter of the grantee." Mr. Adam—"That is what I intended to have taken the liberty of submitting to the house in the course of that I shall have to submit to your lordships." Lord Redesdale—"Unless there was some bastardy, or something of that sort." Mr. Adam—"Unless they could show that the original grantee was a bastard, that is the only situation of things in which it could be proved that the *heirs-male* of any one were extinct."

The argument which Lord Redesdale's remarks suggested was an important one, and was forcibly employed by Mr. Adam. "We are," he said, "in this situation, that I am for the claimant contending for restriction to be put upon the grant of the Crown. The law officers of the Crown are extending it by this most extraordinary proposition, which, though it may not increase, perhaps, the number of your lordships' house, may yet increase the number who are to send representatives into this house to a most extraordinary degree." But the necessity for this restriction was in this case made apparent, for, Mr. Adam further said, unless heirs-male was construed to mean heirs-male of the body, it was impossible that the particular object of the king's grant, namely, the introduction of heirs-female, could ever have effect. The Attorney-General alleged the necessity of showing that it was utterly impossible these heirs-female should ever succeed before the words heirs-male could be read to mean heirs-male of the body.¹ Mr. Adam denied this, and said it was only necessary to show that such a consequence would follow as would defeat the object which the party granting must have had in making that particular grant. He brought evidence to bear on the intention of the king in the patent to extend the title of Annandale to heirs-female. In this connection he referred to the 1662 charter. It had been represented as a mere conveyance of land such as the possessor of real estate in Scotland was entitled to demand as a right. It was, he showed, more than that. Among other characteristics of the charter, it granted a free barony, erected an earldom, and created a regality. It also contained a reference to the title granted in 1661, the intention of the Crown being to annex the franchises just mentioned to the title previously granted, and both to pass to the same series of heirs. In the same way he dealt with the remaining limitations in the 1661 patent in connection with the objections which the Crown counsel had brought forward.

¹ In opposing this, Mr. Adam quoted from a speech of a noble and 'earned lord in the House, Lord Eldon, Lord Chancellor, as follows: "In the case of Linplum the limitation was to Alexander, the second son of Hay of Drumelzier, and his lawful heirs-male. What was the object of the construction that heirs-male mean heirs-male general? To let in the younger brother of Hay of Belton, and to let in the younger brother of Hay of Lawfield. But what is the effect of this construction here? Your Lordships

see it is to be a construction to exclude, I do not say absolutely to exclude, but almost absolutely to exclude the younger sister until there shall be a failure of these heirs-male general of the elder sisters, for whom you look upwards, for whom you look downwards, and on this side and on that side; and in a family numerous and respectable as those Kers of Cessford, you never could look in vain for them, in all human probability, if you looked to all eternity."

RESOLUTION OF THE COMMITTEE OF PRIVILEGES ON THE CLAIM OF
MR. HOPE JOHNSTONE.

The claim of Mr. Hope Johnstone as thus again set forth by Mr. Adam was considered by the Committee of Privileges at their adjourned meeting on 22d May 1826, when Lord Redesdale made a speech in which the Lord Chancellor, Lord Elton, stated a general concurrence, to the effect that if there existed an heir-male collateral of the patentee he should have an opportunity of being heard, if advised. On the 25th of the month the Committee resolved as follows : "That the consideration of this petition be adjourned, and that the petitioner be required to lay before the House information whether there is any person capable of claiming as heir-male of James Johnstone, created Lord Johnstone of Lochwood in 1633, and Earl of Hartfell, Lord Johnstone of Lochwood, Moffatdale and Evandale in 1643, and whether James, his son, created Earl of Annandale and Hartfell, Viscount of Annan, and Lord Johnstone of Lochwood, Lochmaben, Moffatdale and Evandale in 1662, had any daughters or daughter ; and whether such daughters or daughter (if any) had any issue male ; and whether there is any heir-male of the body of the Lady Henrietta, daughter of William, first Marquis of Annandale, who married Charles, Earl of Hopetoun, and was great great-grandmother of the claimant ; and if there are any such persons, that notice be given of this claim to such persons respectively, and that they be respectively at liberty to attend this House on the claim of the petitioner."

This resolution by the Committee for Privileges was a novel proceeding for which it would be difficult to find a precedent. It was a practical order by the committee that Mr. Hope Johnstone should advertise for claimants to come forward and claim the peerages, which he believed undoubtedly belonged to himself.

In obtempering the resolution of the committee, Mr. Hope Johnstone had advertisements repeatedly published in England, Scotland, and Ireland, with a view to discover if any such person or persons existed. The advertisements were dated 1827, and also 6th August 1828, and called for replies, intimating at the same time that the claimant intended to apply to the House of Lords to resume consideration of his petition and claim at the commencement of the following session of Parliament.

CLAIMS MADE BY SOUTER JOHNSTONS, AND LETTER FROM SIR WALTER SCOTT.

Following upon these advertisements, John Henry Goodinge Johustone, of Bonnington Bank, near Edinburgh, intimated to Mr. Hope Johnstone his intention to claim the Annandale peerages. Others also came forward whose claims, shortly to be enumerated, were not ultimately prosecuted by them. The only one of these calling for any notice

is George Conway Montague Levine Wade Souter Johnston. About a century and a half prior to his claim, certain persons bearing the surname of Souter, in the shires of Perth and Forfar, with the permission of parliament adopted the surname of Johnston upon the tradition that their ancestors in the fifteenth century were Johnstons from Annandale.¹ The present proceedings in relation to the Annandale Peerage claims appear to have caused quite a flutter of excitement among the descendants of these Souters. At the election of a representative peer of Scotland at Holyrood, on 8 July 1824, Stewart Souter Johnston "claimed to vote as Marquis of Annandale, as being the lineal male descendant of Sir Adam Johnston of Johnston in Annandale," and his vote was received by the officiating Clerks of Session.² Sir Walter Scott and Mr. Colin Mackenzie were the two Clerks of Session. A doubt arose in their minds if they had done right in accepting the vote of the claimant. They wrote a letter to the Earl of Eldon, then Lord Chancellor. This letter, after narrating the particulars of the case, proceeds as follows:—

"But the question arose in our minds whether the vote of this claimant ought to be rejected in consequence of the resolutions of the House of Lords, the 13th of May, 1822, of which we have the honour to transmit a copy herewith to your Lordship.

"The prohibition introduced by these Resolutions applies itself to every heir of a peer deceasing more remote than a direct descendant or brother; but on the most mature reflection, it appeared to us that the words '*upon the decease* of any peer or peeress of Scotland,' were *prospective*, and could not be applied to the case of a person claiming in consequence of the decease of an ancestor prior to the date of the Resolutions. This view which occurred to us of the fair construction of the words was fortified by the consideration that a different interpretation of them would involve the necessity of refusing (till his title should be admitted in the House of Lords) the vote of every peer of Scotland now existing, who is not the lineal descendant or brother of his immediate predecessor.

"We could not bring ourselves to conclude that the House intended by the Resolutions in question to impose on several peers who have long been in undisturbed possession of titles acquired by collateral succession, some of whom have even sat in parliament as representatives of the Scottish peerage, the necessity of now bringing proof in support of their titles, and yet this consequence seemed inevitable, if by those Resolutions the Clerks were enjoined to refuse the vote tendered under the title of Marquis of Annandale.

"We hope that in our sincere endeavour to act in conformity to the will of the House of Lords, we have rightly interpreted that will, and we beg leave to subscribe ourselves, etc., etc."³

To that letter Lord Eldon never replied, and the point was left undecided.

Soon after the claim of Stewart Souter Johnston now described was made, or in

¹ Acts of the Parliaments of Scotland, vol. vii. p. 467.

² Record of Elections of Peers of Scotland in the General Register House.

³ Report from Select Committee of the House of Lords anent the laws relating to elections of Representative Peers of Scotland. Appendix, p. 19.

February 1827, Mr. Thomas Souter Johnston made a similar claim in a petition to the King, but Mr. Secretary Peel declined to lay it before his Majesty.

George, the third Souter Johnston claimant to the Annandale peerages, in contrast to the other two, claimed descent from James, Earl of Annandale and Hartfell, through an alleged son of John, brother of William, first Marquis of Annandale. His petition containing his claim was submitted to the Committee of Privileges. But, as already stated, no further steps were taken on his behalf.

None of these persons of the name of Souter, or Mr. Goodinge, had any connection with the Johnstones of Annandale, and their claims to vote at elections of peers were quite unfounded. Yet it was some years later before such claims were put a stop to by the Act of Lord Eglinton for preventing abuses at the elections of Representative Peers. Mr. Goodinge also claimed right to part of the Annandale estates, but his claim to them was negatived by the Court of Session, as his claim to the Peerages was also negatived by the House of Lords.¹

In the early part of 1830, Mr. Hope Johnstone resolved to prosecute his claim to the Annandale peerage in that session. Accordingly, by the beginning of February, Mr. Chalmers sent from London to Mr. Hope, W.S., a draft petition requesting the House of Lords to resume the consideration of the claim, and also a draft additional case. The petition was presented to the House of Lords on 7th April 1830.

The additional case prepared by Mr. Chalmers, from the short time available, was necessarily brief, extending to four pages of print. It allowed of another and more elaborate one being prepared a year later. The day of meeting of the Committee of Privileges was 7th May 1830. At that meeting, petitions of Mr. Hope Johnstone and Mr. Goodinge Johnstone were read. Mr. Adam appeared for Mr. Hope Johnstone; Mr. Dalzell for Mr. Goodinge Johnstone; and the Attorney General and the Lord Advocate on behalf of the Crown. Mr. Adam stated what had been done in pursuance of the order of the House contained in its resolution of 25th May 1826.

Mr. Dalzell thereafter stated the line of descent of his client, and requested six weeks in which to make out his case. When asked by the Lord Chancellor how soon he could be prepared to prove his pedigree, Mr. Dalzell replied he was in the course of collecting evidence from the coast of Africa. The Earl of Eldon, who was formerly lord chancellor, and who was present, remarked upon the reference to Africa, "I should think the determination of a Scotch cause has always a sort of 'slavery' connected with it; and probably a Scotch peerage. I suppose that is the analogy." The committee ordered the case of Mr. Goodinge Johnstone to be laid on the table within three weeks.

¹ 19th November 1839.

VOTE OF MR. GOODINGE JOHNSTONE AS MARQUIS OF ANNANDALE AT
ELECTION OF REPRESENTATIVE PEERS.

Soon after this Mr. Goodinge Johnstone took another form of asserting his claim to the Annandale peerages. On 2d September 1830, sixteen representative peers of Scotland were elected. At the meeting of Scottish peers at Holyrood for this purpose, Mr. Goodinge Johnstone attended. Upon the name of the Marquis of Annandale being called, he gave in a protest alleging his descent through his mother as great-grandson to Lord John Johnstone, the brother of William, first Marquis of Annandale, and stating that he had been served nearest and lawful heir of line and provision to Lord John Johnstone, and that his petition was before the Committee of Privileges for establishing his right to the Annandale peerages. Upon these grounds he claimed a right to vote at the election of peers, and gave in his list accordingly. The protest was received by the presiding Clerks of Session.¹

There are no printed minutes of evidence between 7th May 1830 and 20th March 1834. But a meeting of the Committee of Privileges was held on 27th July 1831. Previous to that date Mr. Hope Johnstone presented a petition to the House of Lords, in which, after rehearsing the resolution of the committee on 25th May 1826, as to making intimation of claimants, and the consequent steps he had taken in pursuance of it, he states—

"That since the circulation of these advertisements the following persons have appeared in this matter, viz.:—1. John Henry Goodinge Johnstone, Esq., claiming by petition to his Majesty and duly referred to your Lordships' House, the same titles which are claimed by the present petitioner. 2. Sir Robert Graham, Baronet, claiming the same titles in a similar way. 3. William Greig Johnstone, claiming the title of the Earl of Annandale in a similar way. 4. George Conway Montagu Levine Wade Sonter Johnstone, Esquire, by petition to your Lordships' House, praying your Lordships to grant him time to procure evidence to establish his right to the Marquise of Annandale; and 5. James Johnstone of Drum, in the county of Monaghan, Esquire, praying your Lordships to defer making any decision on the claims already made, for such time as would enable him to complete his inquiries."

At the meeting of the Committee of Privileges on 27th July 1831, Dr. Lushington appeared for Mr. Hope Johnstone. Mr. Goodinge Johnstone was not represented at that meeting, nor any of the other claimants, nor even the Crown. Dr. Lushington stated that notice had been served upon each of the claimants, and that the object they had in view at that meeting was to crave their lordships to adopt some measure to appoint a day when the case of Mr. Goodinge Johnstone should be taken into consideration, or such course adopted as they might think fit, and they wished to know

¹ Record of Elections in the General Register House.

how their lordships proposed to dispose of the other claimants. Dr. Lushington obtained permission to lay an additional case for Mr. Hope Johnstone upon the table.

That additional case was prepared by his cousin, Mr. John Hope, then Dean of Faculty, and afterwards Lord Justice Clerk. The case, as it bears, was confined exclusively to the legal argument arising upon the terms of the 1661 patent, which is treated in an exhaustive manner. It extends to forty-eight printed folio pages, besides three pages of an appendix printed in small type. It was lodged soon after the meeting of the Committee above mentioned.¹ The case lodged by Mr. Goodinge Johnstone extended to twenty folio pages of print, with five pages of appendix.

No further meeting of the Committee for Privileges was held in relation to the Annandale peerage till 20th March 1834.

APPARENT PROSPECTS OF A SETTLEMENT OF THE PEERAGE CONTEST IN FAVOUR OF MR. HOPE JOHNSTONE.

When on 20th March 1834 the claim of Mr. John James Hope Johnstone again came up for hearing before the House of Lords, it had been nine years before that tribunal. During that time, as has been seen, the pleadings on behalf of the claimant, as well as those in opposition to his claim, had been almost exclusively confined to the point of construing the limitations of the patent of 1661, and especially the first of these limitations, which was to heirs-male. Yet the Committee had not seen its way to come to any decision either upon that or any other part of the claim of Mr. Hope Johnstone. Although not at this sederunt, yet during this session, hopes were raised, for which some valid ground at the time existed, that the case was now to be decided, and that Mr. Hope Johnstone was to have his claim to the Earldom of Annandale confirmed to him by a final decision of the House. It will be shown in the narrative which follows that these hopes were elusive; and that the first of several protracted stages in the contest for the Annandale peerages was only to be reached after the lapse of other ten years. The Committee of Privileges were thus occupied for nineteen years in deciding whether the destination to heirs-male in the patent in question signified heirs-male of the body or heirs-male whatsoever.

There were two claimants for the Annandale peerages before the Committee of Privileges at their meeting on 20th March 1834, Mr. Hope Johnstone and Mr. Goodinge Johnstone. Both claimed as heirs-female under the same patent of 1661. They also claimed to be descended from two brothers, William, afterwards Marquis of

¹ The late Mr. James Hope, W.S., informed the writer hereof that his brother, the Dean of Faculty, devoted six weeks to the preparation of that additional case.

Annandale, and John, called Lord John Johnstone, both sons of the patentee, James, Earl of Annandale and Hartfell. The existence of this John was not admitted by Mr. Hope Johnstone at this stage of the proceedings. But he held that even if his existence as a son of Earl James, and as the ancestor of Mr. Goodinge Johnstone, should subsequently be proved ; yet, in the first place, he had a prior and better claim, as being the heir-female through the eldest son ; and next, while it would be necessary to show that this John, the male heir of the body of the grantee, had failed before he, Mr. Hope Johnstone, could come in as heir-female, it mattered not what heirs-female he might have, they could not claim against him.

ABLE SPEECH OF DR. LUSHINGTON, COUNSEL FOR MR. HOPE JOHNSTONE.

It has been shown that Mr. Goodinge Johnstone was unprepared to lay his case before the Committee at their previous meeting in 1830. Four years had intervened, and he was still unprepared. This tardiness was warmly resented by the Lord Chancellor, who subjected Messrs. Pollock and Wilson, counsel for Mr. Goodinge Johnstone, to a long and severe cross-examination relative to its cause. His lordship's strictures on the subject were no less severe. Addressing Mr. Pollock, he said, " It is a very odd sort of case ; I think not very likely to uphold the claimant." In these circumstances the Committee of Privileges was chiefly occupied with the summing up of Mr. Hope Johnstone's case by his counsel. This was done with great ability and learning. The two counsel employed were Dr. Lushington and Mr. Adam Anderson, afterwards Lord Anderson of the Scottish Bench. The former delivered his speech first. It displays close and powerful pleading, and extends to one hundred and fifty-six folio pages of manuscript. In the course of his speech Dr. Lushington affirmed that there was no case whatever where it had hitherto been decided that the terms *heredes masculos* had the extensive signification giveu it of heirs whatsoever where it was followed by a substitution of heirs-female of the body. An argument which was pleaded at some length in the speech, was in regard to the principle of descent, as being generally the principle found to prevail in most patents, and which pervaded the whole of the 1661 patent. The giving an extensive meaning to the words heirs-male, it was urged, violated this principle. The object of patents of honour is to enoble the blood of the original grantee under the patent. Those naturally expected to succeed to the honour are the issue of the body. In the light of this principle, could it be the intention of the Crown, it was asked, that every one who could come in as heir whatsoever, should succeed preferably to an heir-female of the body under the second destination in the patent ? In this connection counsel recalled the words of Lord Redesdale, already quoted, that

the effect of such a state of matters would be to call in the whole descendants of Japhet before allowing the destination to heirs-female of the body of the grantee to take effect. He said it was the principle of descent upon which the Roxburgh and Linplum cases had been decided in the House of Lords, adding,—

“ I am looking to see what shall be the guide, I am looking to see what shall be the polar star in cases of doubt and ambiguity. I am looking to determine what interpretation a flexible term shall have, and the light which I seek to guide me through these paths of doubt and difficulty is the light of the principle of descent, and if, without violation of the terms, without showing a construction which is hostile to the plain and fair meaning of the words when I am speaking of a flexible term, I can show your Lordships that the more limited sense is consistent with the principle of descent, and that the more extended sense is a violation of the principle of descent, then I say that the decision in the case of Hay of Linplum is a decision in my favour.”

Again, as further illustrating his argument, Dr. Lushington said,—

“ You are construing an instrument. What is a more effectual way of construing an instrument so as to attain the real meaning of the grantor than this.—You have a passage in it respecting which no doubt whatsoever can exist, and you have another passage in it respecting which doubt does exist. Now, I ask you, which is the more rational, which is the more intelligible, which is the more logical mode of construction, to give the doubtful passage such a construction as will undoubtedly carry into effect the undoubted passage, or to give the doubtful passage such an extensive operation and effect as shall to all intents and purposes destroy the intention of the grantor as clearly expressed in the passage respecting which your Lordships can entertain no doubt whatever?”

Dr. Lushington drew attention to the difficulty that if *eiusque heredes masculos* in the first substitution signified heirs-male whatsoever, then it is the very same construction as *heredes quoscunque* in the third substitution. He asked how he could put the same construction upon both? The Attorney-General said *eiusque heredes masculos* meant heirs-male. Dr. Lushington replied he took that for granted, but his argument was not affected by that. The Lord Chancellor interposed, “ He will not call them twice over—first call them before the heirs-female of the body and then again after them.” Dr. Lushington said, “ That is precisely my argument. . . . One of two alternatives takes place. If it means heirs-male whatever, then it is a repetition of what took place in the first clause. If it means heirs-female whatever, then as to part of the expression it is utterly without effect or operation.”

Introducing the charter of 1662, counsel proceeded to state that in this charter he found an instrument agreeing in all respects with the patent granted a few months before, with the exception that it explained more clearly the original destination, and the meaning of the words *heredes masculos*, and he took it as a contemporaneous

exposition of the patent, and by the parties best qualified at that period to judge of the true legal meaning and bearing of the terms in question.

Treating of the substitution in the patent to heirs-female of the body, counsel said Mr. Hope had expended great pains and care in explaining the origin, destination, and true meaning of the term heirs-female.¹ But he thought he could with the assistance he derived from his case satisfy their lordships as to the true meaning of the term without travelling through the learning with which he had adorned his statement. Little more was necessary, he said, than to point out from the high legal authorities given by Mr. Hope the passages upon which he relied. He showed that the daughter of a son would succeed before the daughter of the original grantee, and he presumed it was equally clear that if it would be so in the first generation and in the second, the same principle must follow throughout, whatever the lapse of time.

On the last words in the patent under this limitation, which was the destination to the heirs-male of the body of the said heirs female, he said it was merely a continuance of the sentence pointing out the intention of the grantor as to the succession of heirs-female of the body.

Mr. Anderson, who was also counsel for Mr. Hope Johnstone, proceeded with his speech when Dr. Lushington concluded. The case of Mr. Hope Johnstone having been so fully stated by Dr. Lushington, he passed over all its details and merely added one or two observations on different points of law. In the first point which he took up, he founded an argument upon one of the contentions of the other side. The argument may be given in his own words. He proceeded to say—

"I may admit, my Lord, to the other side, that there are certain appropriate terms in the law of Scotland applicable to heirs-male of the body. We all know there are just the simple words 'heirs-male of the body.' But I hold it to be equally clear, and a point that will be conceded to me, that there are certain appropriate terms applicable to heirs-male general. These terms, as your Lordships well know, are 'heirs-male whatsoever'; and heirs-male whatsoever are generally set in opposition to heirs-male of the body. Those are the peculiar and appropriate terms by which heirs-male general and heirs-male collateral are called to take in succession. Here your Lordships have simply the words 'heirs-male' to deal with, without having the adjunct of heirs-male of the body, or, on the other hand, of heirs-male whatsoever."

¹ The Lord Advocate could not understand how the claimant should designate himself not heir-male of the body of the heir-female, but simply heir-female. He speaks of it "as an unaccountable inaccuracy in the title put forward by the claimant." The ms. copy of the speech in the Annandale Charter-chest had been submitted to Mr.

John Hope, Dean of Faculty, afterwards Lord Justice-Clerk. On the margin of the ms. opposite this expression there is this note holograph of the Dean—"What arrant nonsense. Lady Anne could not be the heir-female unless her father also was, and then she is not the heir-male of the heir-female. Hence Mr. Hope Johnstone can only be heir-female."

On the question of the particular construction to be given to the term "heirs-male" in the patent of 1661, Mr. Anderson held that the rule applicable to the law of Scotland was that the object of a patent of honour being to enoble the patentee and his descendants, where the words "heirs-male" occur alone they were to be taken as a limitation to descendants, unless it appeared from other words in the patent that collateral branches of the patentee were also to be called to the succession, which was not the case in the present instance. He also contended that to give the words in this case the wider meaning of heirs-male whatsoever, the one-half of the patent would thereby be rendered inoperative; for the House of Lords would insist upon all the different individuals who stand prior to the claimant being extinguished before he could be called.

"But," he added, "to extinguish all the heirs-male general, we know there are just as many Johnstones of Annandale as there are Kers of Cessford, and that therefore it would be impossible for any one claiming the character of heir-female to make out his claim to this peerage."

THE CLAIM OF MR. GOODINGE JOHNSTONE DISMISSED BY THE HOUSE OF LORDS.

At the meeting of the Committee of Privileges on 15th May 1834, we have the last of Mr. Goodinge Johnstone, who ought never to have been a claimant of the Annandale peerages. Evidence was led which extinguished John Johnstone, commonly called of Stapleton, his pretended ancestor. The Committee now accepted the pedigree of Mr. Hope Johnstone, and desired that the point of law be proceeded with. Mr. Pollock, counsel for Mr. Goodinge Johnstone, who was still unprepared to proceed with his case, and who pleaded that his client was not opulent, and that his evidence had to be obtained from distant places, was met with the smart rejoinder, by Lord Chancellor Brougham, "But he will soon cease to be opulent if he is to appear for ever and ever till you send backwards and forwards." He was told that he would not be again heard. The Committee had lost all patience with their obstructing claimant.

UNSUCCESSFUL SPEECH OF THE LORD ADVOCATE AGAINST THE CLAIM OF MR. HOPE JOHNSTONE.

The Lord Advocate, on behalf of the Crown, delivered a long and well-prepared speech upon the claim of Mr. Hope Johnstone. He did not, however, make much impression upon the Committee, and it will be enough to indicate the line of argument he adopted. He endeavoured to show that the limitation of heirs-male in all

the four patents of peerages was to be held as heirs-male collateral of the patentees, and not heirs-male of the body. On the second branch of the limitation of the patent of 1661, he contended that the limitation in favour of the heirs-female should commence with Lady Henrietta Johnstone, Countess of Hopetoun, and that the heirs-male of her body were to be preferred to the direct lineal heirs-female, which would exclude Mr. Hope Johnstone and bring in the Earl of Hopetoun.

The Lord Chancellor was certainly not convinced by the argument used by the Lord Advocate, as he not only followed him with a brilliant speech which was entirely favourable to Mr. Hope Johnstone, but even during the speech of the Lord Advocate he could not forbear showing his leaning to the side of the claimant. The following colloquy which ensued during the progress of the speech of the Lord Advocate is one of several instances of this :—

*"Lord Chancellor—*This is what strikes me upon your last observation. Is not it a very rare thing to find a limitation to the heir-female and the heirs-male of her body upon the failure of heirs-male general? To find it limited upon the failure of heirs-male of the body of the patentee is a very intelligible limitation, but is it not a very rare thing to find a limitation to the heir-female and the heirs-male of her body upon the failure of heirs-male general, that is, of heirs-male whatsoever? And I will tell you why that should be very rare. It is intelligible that it should be limited to heirs-female upon the failure of heirs-male of the body, because that is limited within reasonable bounds, but as every man must have a father and a grandfather, could there ever be a case by possibility in which the limitation to the heir-female and the heir-male of her body could take effect if it were limited upon the failure of heirs-male general? Because there is no man in the world that can have a failure of heirs-male general; it must go up to Adam.

*"Lord Advocate—*It would be difficult to trace it.

*"Lord Chancellor—*The more difficult it is to find out the person so much the worse, for it makes the whole grant of the honour utterly inoperative. You cannot find out who is to take, for you cannot distinguish them, and consequently you cannot make the grant effectual. You understand what I mean—that limitations to the heir-female without division and to the heirs-male of her body is quite intelligible if it is to follow upon the failure of heirs-male of the body. But it is quite unintelligible to any practicable purpose to limit to heirs-female without division, and the heirs-male of the body of that heir-female, provided that is only to follow upon the extinguishment by legal evidence of all the heirs-male not of the body, but all the heirs-male whatsoever of the patentee. Because then you must extinguish all mankind, because every person connected with that individual by the most distant relationship must be extinguished before that limitation can come into operation.

*"Lord Advocate—*I am quite aware (and I do not wish to disguise anything) that that makes against the argument I am maintaining. I am merely endeavouring to throw out such remarks as may guard your Lordships against allowing these honours to go to persons for whom they are not intended.

*"Lord Chancellor—*It will be very useful if you can show us any instances.

*"Lord Advocate—*I admit that it is very rare if there are any precise instances of it. . . ."

BRILLIANT SPEECH OF LORD CHANCELLOR BROUGHAM FAVOURING THE CLAIM OF
MR. HOPE JOHNSTONE.

In the speech of Lord Chancellor Brougham, which followed immediately upon that of the Lord Advocate, his lordship said that the case derived a more than ordinary degree of importance from the nicety of the points of law which it raised. He stated the bearing of the different arguments on the opposite sides, and how far his opinion was made up upon any part of the case, either in respect of law or of fact, and how far it remained in suspense. He confessed that some of the considerations which had been presented to him in the course of the discussion left the question very nicely balanced, though he thought he saw his way through the whole to a decision, "notwithstanding the level posture in which the scales appear to hang." He admitted that the claimant had proved his pedigree to the satisfaction of the committee, and therefore that the question of law was raised cleanly and clearly upon the facts. He also held that he answered the description of heir-female of the patentee, although he judged that this was immaterial. The question of greatest importance, he said, was, "whether or not the limitation of this grant of honours is so conceived as to carry the dignity in the first instance to the heirs-male of the body, or whether it does not in the first instance give it to heirs-male general."

Lord Brougham was decidedly in favour of the first alternative, and a large portion of his speech is devoted to an elucidation of the point. He stated the scheme according to the argument against the claimant thus : "It was first the intention to grant to all heirs-male whatsoever without any restriction. It was secondly the intention to call heirs-female. It was third the intention to do what ? To call for the second time those heirs-male general who had been called before, and who therefore never could answer, for they had been of necessity exhausted before the heirs-female could come in ; and lastly heirs-female general were to be called." This construction his lordship said was unusual and absurd, and they were not forced by anything in the instrument to impose it. They were rather justified in not imposing it. The opposite construction he insisted avoided giving such an uncouth aspect and anomalous character to the whole limitation.

The Lord Chancellor was equally strong and emphatic in holding that the heirs-female were the most especial object of the grantor's care. Referring to "the anxious and superfluous particularity" of the description of these heirs used by the grantor, he says, "You have therefore five descriptions of a succession of female heirs-general, where one would have sufficed, showing most clearly the intention that

those should be called as favoured and special objects of the royal favour." The inference which his lordship drew from this may be given in his own words, which will show how very decided his convictions were. He says—

"If there is one purpose more certainly defined than another, and meant to be more precisely fulfilled in this charter, it is that the limitation should have effect which carries the honours in a certain event to heirs-female. The question is in what event? And that is the whole question. Shall we, or not, adopt such a construction of the words which indicate the event I allude to as must absolutely, and with perfect certainty, frustrate to all intents and purposes this anxious limitation to heirs-female? For that is really the inevitable consequence of construing heirs-male as heirs-male general; I cannot get over it; I feel the greatest difficulty in doing so; I feel it quite insurmountable. I listened attentively to the argument ably maintained on the other side. I am aware of the force of 'haeredes masculos,' and agree that without more, it designates the heirs-male general. I observe the binding up of the title of the threefold grant; I do not shut my eyes to the former part of the recital. I do not overlook the singular grant of precedence. I am not insensible to the somewhat inconsistent aspect which the gift wears when the precedence is given to one set of heirs by reference to a former grant of honours to another set of heirs. But, I can still less shut my eyes to this consideration, that if I am to adopt the construction to which these difficulties are said to drive me, I am also driven to the necessity of holding that all the machinery is utterly useless whereby the right of the heir-female is so curiously and elaborately raised, and that every word relating to heirs-female '*haeres femella*', '*natu maxima*', '*absque divisione*', '*ex corpore dicti Jacobi comitis de Hartfell hactenus procreata*', and then '*procreanda*', with the provision as to the arms, and the name '*in omni tempore a futuro*', that all this is to become utterly useless, and might just as well have been left out—for what is the inevitable consequence as regards this female limitation upon that construction? It is that until all the persons are extirpated who can connect themselves with James, Earl of Hartfell—the first patentee of the honours by males alone—this limitation to the heirs-female is waste paper. But I go further, not only till in fact they are all gone, not only till *in rerum natura* none such exist, but till some heir-female '*natu maxima absque divisione ex corpore dicti comitis procreanda*', or till some '*haeres masculus ex corpore dicto haeredis femellae natu maxima legitime procreandus*' comes into existence . . . and produces strict legal evidence . . . and is able to extinguish all mankind connected by males alone with the patentee of the honours: till that is done, all the provisions for heirs-female and the heirs-male of their bodies is waste paper."

To these and other like remarks, his Lordship added the strong statement—

"If this limitation to the heirs-female is a limitation upon the failure of heirs-male whatsoever and not of the body, the conclusion is inevitable that it never can by possibility be made available to any human being while the grass grows or the rain falls, because no man can prove the extinction by legal evidence of all persons who may by possibility connect themselves with James, Earl of Hartfell, the first patentee through males only."¹

At the close of his speech, Lord Brougham recommended the Committee to postpone the further consideration of the question for a short period only, as he was desirous that

¹ Speeches of Lord Chancellor (Brougham), 15th May 1834, and Lord Chancellor (Lyndhurst), 11th June 1844, pp. 9, 10,

a final decision should not be delayed beyond a very few days after the Whitsun recess. To this request the Committee agreed.

Although that speech of Lord Chancellor Brougham was not a final and formal judgment by him on the whole case, it showed throughout every portion that it had been prepared with very great care and wealth of language, of which the speaker had such an unlimited command. It was admittedly favourable to the claim of Mr. Hope Johnstone.

CONGRATULATORY LETTER FROM LORD BROUGHAM, AND HIS DECLARATION THAT MR. HOPE JOHNSTONE HAD MADE OUT HIS CLAIM TO THE ANNANDALE PEERAGE.

The younger of Mr. Hope Johnstone's sisters was Mary Hope Johnstone, who being one of the maids of honour of Queen Adelaide, was styled the Honourable Mary Hope Johnstone. She was on friendly terms with Lord Chancellor Brougham, and after his luminous speech in favour of her brother on the 15th May 1834, she wrote to his lordship a cordial letter of thanks. He acknowledged her letter and made a holograph answer in the following terms :—

“Friday Night [16 May 1834].

“MY DEAR LADY MARY,—I am resolved to have the first gratification of calling you by your real name.

“Many thanks for your kind and hearty note. I do assure you that, tho' there is always the greatest pleasure in distributing justice, (and it is almost all the pleasure I now have in life) I never felt it more strongly than upon this occasion.

“It gives me a great pleasure besides to tell you that the opinion of the lawyers is very decidedly in favour of my judgment of yesterday. You are now secure of your promotion, and I am your ladyship's sincere friend,

H. B.”¹

Address on envelope—“The Lady M. H. Johnstone.”

¹ There is another letter from Lord Brougham to Mary Hope Johnstone in the Annandale Charter-chest, which, although not bearing on the question of the peerage, has reference to a well-known incident in the life of Lord Brougham, and shows the intimate terms existing between the two, and may be introduced here. The letter is undated :—

“BROUGHAM, Sunday.

“DEAR Miss H. J.—1000 thanks for your kind letter, and to all your Melville Castle circle. I am extremely angry at the ass or wag who hoaxed all mankind and all womankind (except Dulcy, as she says). He never would have succeeded for a moment if the two men I wrote to (A. Eden and Miller, my old clerk, and now in a publick office) had been either of them in town last Monday morn-

ing. For I had been twice before put to death by the London Papers, and once or twice severely wounded. And I therefore supposed some such rumours might arise from a really bad accident as had arisen before from nothing at all. I also had written to Brighton and to Edinburgh, where consequently the stupid hoax failed. In London it succeeded owing to A. E. and M. being unfortunately both out of town, and A. Montgomery, to whom I had also written, not chusing, I suppose, to open a letter from a dead man, for he must have had one from me on Monday morning, the day he says he got the forged one. It is very hard on Bob Shafto to suppose he wrote it. He says he never wrote a line to A. Montgomery in his life! So they easily believed it to be his hand because they did not know whether it was or not. Kind regards to Lord Melville; and believe me ever yours,

“H. BROUGHAM.”

Bright

My dear dad my

I am resolved to
have the birth
certificate of
calf you & your
real name -

May this

for you know I
heart note - I
do advise you
that, tho' there
is always the
health pleasure
in distributing
water, for it
is almost all the

Please I now have
in life) I never
felt it more
strong than upon
this occasion -

It gives me a
great pleasure,
besides, to tell you
that the spirit
of the ladies

is very decided in
favour of my
proposal. I
trust -

You are now
dear to your
from time & I
am, your dad -
she's mine too
H. B.

The lady R. H. Whaten

Coming so immediately after the "judgment," even on the very day following it, such a bombshell as it was to the parties interested in the case—that letter from such a man naturally heightened the interest which the long-sustained discussion of the case had excited. The original holograph letter is still preserved in the Annandale Charter-chest. It was very much talked of in public for years after it was written, although it was never published. Exactly forty years after the date of the letter, when the peerage case was again revived by Sir Frederic Johnstone, the writer of these remarks inquired for it at the late Mr. Hope Johnstone. He searched for it at the time, and found that it had been mislaid. He promised to search further for it. But it was not till after his death in 1879, that his successors found it amongst his papers. A careful facsimile of the letter has been made from the original, and is here introduced. Neither the letter itself nor the envelope in which it is enclosed contain any mark of privacy or confidentiality, and after all the remarks which have been made as to the terms of the letter by the public, and the different course which the writer of it afterwards adopted, it seems as well for him and all others interested that the letter and envelope should be produced in facsimile.

Besides writing that letter to the sister of the claimant, who afterwards became the Honourable Mrs. Percy, as the wife of the Lord Bishop of Carlisle, Lord Brougham showed in other ways how strongly he felt the right and justice of the claim of Mr. Hope Johnstone to the earldom of Annandale. Among the auditors at the bar of the House of Lords who were listening to Lord Brougham's splendid speech on 15th May 1834, was Mr. Hope Johnstone himself. They had been in parliament together, and his lordship and Mr. Hope Johnstone's father, Admiral Sir William Johnstone Hope, were cordial friends. Admiral Hope had been member for the county of Dumfries for many years, and, in his speech, his lordship paid him a very high tribute of regard.¹ Lord Brougham asked Mr. Hope Johnstone at the bar, as he was to be a peer, if they had selected a member for the county of Dumfries in his place. His lordship also said to Mr. Hope Johnstone that he was to see the king that day, and would inform his Majesty that he had made out his claim to the earldom of Annandale. Mr. Hope Johnstone was at the king's levee either that afternoon or the following one, and when he was presented, his Majesty congratulated him on his being really Earl of Annandale on the authority of the Chancellor who had told him so.

¹ A tradition in the Annandale family is that King William the Fourth and Admiral Johnstone Hope were, when boys, as naval officers in the same ship together. They had a difference of opinion on some small matter, and waxed rather hot over it. Young Hope said to the young prince that if it was not for his

royal coat, he would have had it out with him in another form. The prince doffed his jacket, and the two had it out in pugilistic fashion. The further tradition is that the robust Hope was the victor. But it was probably a very small naval engagement after all.

**INFLUENTIAL OPPOSITION OFFERED TO PROPOSED JUDGMENT OF
LORD BROUHAM.**

About the same time Mrs. Hope Johnstone, wife of Mr. Hope Johnstone, was calling at the Marquis of Ailsa's. As she was leaving the house King William arrived on a call. His Majesty remarked to her that he must not name her Mrs. Hope Johnstone any more, as the Chancellor had just told him that her husband had made out his claim to be Earl of Annandale. So popular was Mr. Hope Johnstone, as proprietor of the Annandale estates, and such was the personal esteem for him in all the Borderland, that nothing seemed more fitting and natural than that the popular proprietor of Annandale should become the popular peer of Annandale. Great preparations, indeed, were made to celebrate such an auspicious event. The late Earl of Mansfield, who represented the Murrays of Cockpool in the county of Dumfries, was jealous of the Johnstones enjoying the title of Earl of Annandale, which had been previously held by two members of the Murray family before it became extinct in that line. He was a very active member of the Open Committee of Privileges before which the claim of Mr. Hope Johnstone was depending. Lord Mansfield could make no claim himself to the title of Annandale, as it was extinct in his family for want of male heirs. But a very highly influential member of the Committee, the late Duke of Buccleuch and Queensberry, K.G., informed the writer of these pages that Lord Mansfield, in impressing upon the Committee that the case was not ripe for judgment, and that Lord Brougham had erred in pronouncing such a favourable speech for Mr. Hope Johnstone, created an opinion in the minds of some members of the Committee to that effect.

Other influences were at work to assist Lord Mansfield in his opposition. Alexander, Duke of Hamilton, grandfather of the present duke, took alarm that if Lord Brougham's judgment was pronounced it would affect his own titles and estates, and he appears to have directed a personal threat to Lord Chancellor Brougham on the subject. To a report of this, which the late Miss Hope Johnstone had heard, the Honourable Mary Hope Johnstone refers in a letter which she sent to her. The letter is undated, but the post-mark on the envelope has the date October 5th, 1834. She says:—"What you say of the reported threat of the Duke of H[amilton] to the Chancellor may be true, but Lord Brougham in his situation *dare* not allow it to influence him in any legal transaction."¹ By these and other means Lord Brougham was induced not to pronounce his own opinion.

Lord Brougham's famous letter, here introduced in print and facsimile, could not fail to come up in after years. In a letter from the Honourable Mary Hope

¹ Original letter.

Johnstone to whom it was addressed, dated Frogmore Lodge, Windsor, 12th October 1838, Friday, to her niece, the late Miss Hope Johnstone, the writer gives very interesting pages of court news. She says:—“Her Majesty gave me leave to go to Adelaide Cottage as often as I liked, so I have been walking and sitting there. It is in great beauty, and quantities of flowers. Both dinners, besides the household, consisted of the Chancellor¹ (who, when he heard my name, BLUSHED!), *Conscience*, thought I, Lords Melbourne, Lansdowne, Palmerston, J. Russel, Glenelg, and Sir J. Hobhouse. Except Cottenham, who I only knew to bow to, they were all friends, and talking to them I really for the moment felt as if other days were not gone.”²

SECOND PERIOD.

From 15th May 1834, the date of Lord Brougham’s favourable speech and congratulatory letter, to 11th June 1844, when judgment was given in favour of the construction being to heirs-male general in the four patents of peerage.

LORD BROUGHAM CONSULTS TWO OF THE JUDGES OF THE COURT OF SESSION.

The favourable prospects which appeared to open up to Mr. Hope Johnstone by the attitude assumed by the Lord Chancellor in his speech of 15th May 1834 were not realised. Events occurred which rendered them as remote as ever. To these events reference will now be made.

When Lord Brougham proposed to delay the final decision of Mr. Hope Johnstone’s

¹ Lord Brougham is here referred to retrospectively as Chancellor. His lordship resigned that high office on 22nd November 1834, and never returned to it. He was succeeded by Lord Cottenham, who was Chancellor in 1838, when the Honourable Mary Hope Johnstone wrote this letter.

² Original letter. There were later occasions when the Honourable Mary Hope Johnstone and Lord Brougham met. His lordship on these did not shew the same embarrassment. The following description is given of one of these by the former in another letter to her niece, dated Albemarle Street, Thursday evening, February 7th, 1839, in which she also makes allusion to one of Lord Brougham’s eloquent speeches delivered in Parliament on 5th February:—

“Last night, to my great surprise, I found my-

self amongst 300 people at Cambridge House. The same people looking the same, and saying the same things, or rather nothings, they said in the same place last July! . . . Lord Brougham’s demonstrations of joy at seeing me, and his intense and particular whispers caused all eyes, Whig and Tory, to turn our way. And, indeed, I verily believe some of the ministers thought in contemplating the *Fire Brand* that I must somehow be the gunpowder that was to blow them all up. He was infinitely amusing, and has said he means to call on me!!!! His speech on Tuesday every body says was the most splendid piece of eloquence ever uttered, and admirable in matters, and feeling, and purpose, and delivered with a lordly dignity no one thought the man possessed or had a notion of. He means to speak most nights of importance, and Lady Wharncliffe has irons in the fire for herself and me to go the first good night we can. Lady Brougham as a neighbour has taken me up very kindly, and I hope to dine there when one sees the lord to most advantage.” [Original letter.]

claim till a few days after the Whitsun recess, he gave as one of his reasons for the delay his desire to communicate with the heads of the law in Scotland. He took an early opportunity of following this unusual and questionable course by submitting his notes on the case to Lords Moncreiff and Corehouse for their opinion regarding it. The opinion of Lord Moncreiff, forwarded by him to Lord Brougham, was favourable to the claim of Mr. Hope Johnstone, but that of Lord Corehouse was very strongly adverse. The latter so influenced Lord Brougham as to lead him to postpone his proposed judgment in favour of Mr. Hope Johnstone.

The following letters will sufficiently show this. The first letter is from Lord Canterbury, formerly speaker of the House of Commons, to J. Irving, Esq. :—

“House of Lords, April 9th, 1835.

“MY DEAR IRVING,—I have been sitting here on appeals, and have seized the opportunity of talking to Lord Brougham about Hope Johnstone’s case. He says the greatest possible difficulty exists. It must be decided somehow. Its decision the Scotch judges say, might, and probably would, raise great confusion in settled property, and he (Lord Brougham) sees no solution for the difficulties, but giving Hope Johnstone a British peerage as was done for the same reasons in a former case.

“This is not very intelligible, I submit, nor is it very definite, but it is all I have been able to get. . . .

“Ever your most faithful and sincere,
“J. Irving, Esq.”

CANTERBURY.¹

In communicating the above letter to Mr. Hope Johnstone Mr. Irving says in his letter, “I understand that it is the opinion both of Lord Lyndhurst and Lord Brougham that your case won’t be heard and decided without much further delay.” The following letter is from Mr. David Robertson, Parliamentary solicitor, to Mr. Hope Johnstone :—

“London, 24th July 1835.

“DEAR SIR,—. . . Dr. Lushington called for me to-day. He mentioned that he had seen Lord Brougham, who had explained to him the state of the Annandale peerage. Lord Brougham had sent his notes to Lord Moncreiff, who had entirely concurred in opinion with him.

“The notes had also been sent to Lord Corehouse, but he had formed an opinion entirely opposed to the above, and he had stated that a decision upon the grounds urged in your favour would shake the titles to several estates in Scotland.

“This last opinion appears to have had weight with Lord Brougham to prevent him from moving the decision. He intimated that he should not be averse to a rehearing; but he said that perhaps the easiest way of getting out of the difficulty in this case would be by a creation of a peerage in your favour by his Majesty. In the situation in which you undoubtedly stood in regard to this family he did not think that such creation should be matter of difficulty. . . .

“I have the honour to be, dear sir, your very obedient and faithful servant,

DAVID ROBERTSON.²

“J. J. Hope Johnstone, Esq., M.P., etc., etc., etc.”

¹ Original letter in the Annandale Charter-chest.

² *Ibid.*

There were other influences at work besides what has now been related, which had the effect upon Lord Brougham to prevent him from moving his proposed decision in the Annandale case. The speech of his Lordship was so very remarkable that it could not fail to attract the attention of the number of claimants who were brought forth by the wide-spread advertisements ordered by the House of Lords in 1826. The proposed judgment of Lord Brougham was so entirely in favour of Mr. Hope Johnstone that a cabal was formed among parties who thought they had a claim to the Annandale peerages to stay the final judgment on the lines of the speech of the Chancellor. One step taken to delay judgment, however, was the lodging of petitions to postpone the final decision of the House of Lords on the claim of Mr. Hope Johnstone, and to be heard on their respective claims, by Sir Frederic George Johnstone and other three claimants. These petitions came before the Committee of Privileges at their meeting on 30th June 1834. The Johnstones of Westerhall had not prosecuted their claim actively since the first case was lodged for them in the year 1794. Sir Frederic George Johnstone now lodged a case restricted to the legal effects of the limitations in the four patents, reserving to a future occasion and an additional case the statement of his pedigree, and the proofs in support of it.

As already stated the Committee of Privileges met on 30th June 1834. At that meeting it was agreed to hear Mr. Follett and Sir Harris Nicolas on behalf of Sir Frederic George Johnstone, and Dr. Lushington on behalf of Mr. Hope Johnstone, and also the Attorney-General (Sir John Campbell) for the Crown. After hearing these speeches the Committee adjourned, *sine die*. They again met on 4th May 1838, when the minutes bear that counsel was heard on behalf of Mr. Hope Johnstone, one of the claimants, and the Committee adjourned till the 8th May 1838, when the minutes bear that counsel was heard on behalf of Sir Frederic Johnstone, and also the Attorney-General and the Lord Advocate on behalf of the Crown. Lord Cottenham was then Lord Chancellor, and Lord Brougham was absent on the Continent. An additional case for Sir Frederic George Johnstone was lodged in April 1838.

JUDGMENT OF LORD LYNDHURST THAT MR. HOPE JOHNSTONE HAD NOT MADE OUT HIS CLAIM TO THE PEERAGES, 1844.

The Annandale case did not again come before the Committee of Privileges until 14th May 1844. In 1839 a "further additional case" for Mr. Hope Johnstone was lodged. It was chiefly in reference to one of the bearings of the Huntly peerages on the Annandale case.

Sir Frederic George Johnstone was accidentally killed in May 1841, and on

13th April 1844 a case was prepared on behalf of his son, Sir Frederic John William Johnstone, then a minor.

In the same year, a further case was lodged for Dugald Campbell, Esq., M.D., another claimant of the Annandale titles as descended from Lady Mary Johnstone, daughter of James, Earl of Annandale and Hartfell, in 1661.

When the Committee met on 14th May 1844 Mr. Hope Johnstone put in various additional documentary proofs in support of his claim, including the warrant by King William the Third for creating the Marquisate of Annandale in 1701. The Committee of Privileges next met on 6th June 1844, when six counsel attended the Committee on behalf of different claimants. Mr. Cockburn and Mr. Bethel were heard to contend respectively that heirs-male in the patents must be construed as heirs-male of the body, and heirs-male general. The Committee met for the last time on 11th June 1844, when the Lord Advocate was heard on behalf of the Crown, and Mr. Kelly was heard in reply for Mr. Hope Johnstone. The Committee resolved that Mr. Hope Johnstone, Mr. Goodinge Johnstone, and Dr. Dugald Campbell had not made out their respective claims to the titles of Annandale and Hartfell.

The law lords who delivered their opinions on this occasion were Lord Chancellor Lyndhurst, Lord Brougham, Lord Cottenham, and Lord Campbell. They were unanimously of opinion that the limitation in the patents to heirs-male meant heirs-male general, and not heirs-male of the body. Lord Lyndhurst said that the question had been very elaborately argued on the present as well as on former occasions. But it appeared to him that it narrowed itself into the narrowest possible compass. He referred to the arguments which had been used in the course of the discussions that to construe the words heirs-male would let in all mankind up to Adam and Japhet. His Lordship said, "it is not true practically, and in the view of a Court of law, that the heirs-male general can never become extinct. The existence of an heir is a matter of proof—a matter of evidence. Heirs-male general have in many cases become extinct, even in great families, in the progress of time. All trace of them has been lost, and if, after diligent and cautious inquiry, no heir-male can be found, and there is sufficient ground to believe that no such heir can be discovered, this will let in the next limitation."¹ Lord Cottenham and Lord Campbell entirely agreed with the Lord Chancellor in the construction of heirs-male being to heirs-male general, but without making speeches.

LORD BROUGHAM'S RECASTATION.

Lord Brougham spoke at considerable length. He began by stating that he agreed entirely with Lord Lyndhurst. His Lordship then adverted to his speech on

¹ Printed Speeches, 11th June 1844, pp. 13, 14.

15th May 1834, in which he threw out an intimation very manifestly leaning in the opposite direction. He said that he felt it would be important after his former speech to call the attention of the parties and the "Court below" and the profession at large to this question, which could only be done by his public statement. He had since had private communication with the judges below. Lord Brougham further referred to the English law on the point. He said, in English law with respect to honours, "heirs-male" would be "heirs-male of the body." The presumption was that the sovereign meant to grant to heirs-male of the body, and they therefore construe in an English patent the term "heir-male" as meaning not "heir-male general," but "heir-male of the body," unless other circumstances show the contrary. Thus one of their lordships who was present, Lord Devon, he said, sits under that construction given to the original grant of the honour. In Scotland it was totally different; where the presumption was in favour of heirs-male general both as to lands and honours. Taking the whole matter together, adding also to this, that he had a communication with some most learned judges in the Court of Session on the subject, who were clearly of opinion that the contrary construction in a question of peerage would be of the utmost possible peril, and would shake the principles upon which the Courts of Scotland proceeded in respect of the titles of real property, he was of opinion that his former inclination was not supported or borne out by the whole case."¹

Counsel for Mr. Hope Johnstone stated that he was not precluded by the resolution of the Committee from presenting a fresh petition, claiming upon the extinction of heirs [-male] general. The Lord Chancellor replied, "You have a right to come in by another petition." Counsel for Mr. Hope Johnstone said, "Precisely, my Lord. It may be that there are no heirs [-male] general, that the line is extinguished, however difficult we may have thought it."

The Lord Chancellor.—"Perhaps you may find it more easily now."²

THIRD PERIOD.

From 11th June 1844 to 20th June and 20th July 1881, when final judgments were given against the respective claims of Sir Frederic Johnstone and Mr. Edward Johnstone.

APPLICATION BY MR. HOPE JOHNSTONE FOR RECONSIDERATION OF HIS CLAIM.

Notwithstanding the disappointment which was naturally felt by Mr. Hope Johnstone with the resolution of the Committee of Privileges on 11th June 1844, constru-

¹ Printed Speeches, 11th June 1844, pp. 15-17.

² *Ibid.*, p. 18.

ing heirs-male to mean heirs-male general, he lost no time in placing himself in the new position which it required. In less than a fortnight after the date of the resolution he presented a petition to the Queen. It set forth that all the sons of William, first Marquis of Annandale, died unmarried, including George, the third and last Marquis of Annandale, who died in 1792, and with whom the whole male issue of James, created Earl of Annandale and Hartfell, became extinct, as the other sons of Earl James also died without issue. There was thus no person entitled to succeed to the Annandale peerages under the first limitation of the patent of 1661. Under the second and third limitations of the patent and charter of 1661 and 1662 respectively, he was advised that he was now become entitled to the Annandale honours which these conferred.

After presenting that petition nothing more was done until August 1875, when Sir Frederic Johnstone of Westerhall presented a petition. The revival of the Westerhall claim brought forward other claimants in opposition to it, including among others Mr. Hope Johnstone and Mr. Edward Johnstone of Fulford Hall, Warwick, Barrister. The Committee of Privileges to whom these petitions were referred met on 30th May, and by adjournment on 21st and 24th July 1876, and on each of these dates the hearing of evidence, on behalf of Sir Frederic Johnstone, extended over long sederunts. In the meantime a discovery of great interest to Mr. Hope Johnstone had just been made which now falls to be noticed.

DISCOVERY OF LONG LOST RESIGNATION CHANGING THE LIMITATION OF THE ANNANDALE PEERAGES ON 14TH MAY 1657.

In all the discussions which took place before the Committee of Privileges it was invariably admitted by the successive counsel, Mr. Keay and Mr. Kelly, who appeared for Mr. Hope Johnstone, that no resignation of the honours and estates of Annandale preceded the patent of 1661 and Crown charter of 1662. It was assumed by Mr. Keay, as counsel for Mr. Hope Johnstone, in his speech before the Committee on 23d June 1825. In the Additional Case of Mr. Hope Johnstone, dated 1830, and subscribed by Messrs. Adam and Keay, it was plainly affirmed. In his Case of 1844, it was maintained, and it was again stated by Mr. Kelly in his speech at the bar.

Crown counsel who opposed the claim of Mr. Hope Johnstone readily availed themselves of these reiterated acknowledgments that there was no resignation of the dignities. Lord Advocate M'Neill turned the admissions against Mr. Hope Johnstone with fatal effect in his speech of 11th June 1844. He too by reiteration emphasised

the admission which had been made, showing the importance he attached to it. His words are—

"I say that you will not look to the charter of 1662 of the lands, as construing the charter of honours of 1661. There was no resignation of the titles of honour; that is admitted in the printed Case. It is stated in the earliest Case for Mr. Hope Johnstone as quite clear, although the title of honour is to be controlled by the charter of the land, there was no resignation of that title. And I observe that my learned friend Mr. Kelly stated that the honours were not resigned."¹

If the noble and learned Lords who delivered opinions when judgment was given on 11th June 1844, did not expressly mention the non-existence of a resignation of the Annandale honours, all their reasoning proceeded upon the assumption that none had been made. Lord Chancellor Lyndhurst, Lord Brougham, his predecessor, and the other two law Lords who decided the case against the claim of Mr. Hope Johnstone at that date, as well as all the counsel engaged on the case at the time, both for the claimant and the Crown, were certainly ignorant of the fact now discovered that a formal resignation had actually been made by James, second Earl of Hartfell, of all his honours and estates on 19th June 1657 for a regrant of them to a series of heirs so clearly and distinctly stated that no doubt could exist regarding them.

ACCOUNT OF THE DISCOVERY OF THE BOND OF TAILZIE AND RESIGNATION.

It is time now to describe the discovery and relate the history of this admittedly important document. The discovery of it, which was made by the writer of these pages in the chambers of Messrs. Tait and Crichton, W.S., Edinburgh, may be best described from the evidence of Mr. Hew Crichton, a member of that firm, given before the Committee at the instance of Mr. Hope Johnstone.

Examined by the Solicitor-General, then counsel for Mr. Hope Johnstone, Mr. Crichton, after stating his different connections from the year 1813 with the firm which he represented, and that he had been a partner in it since 1828, said that the Marquis of Annandale was a client of the firm. His further statements are to the following effect:—The agency of the firm for the Annandale estates continued till 1816 or 1817, when, upon the succession of Lady Anne Hope Johnstone to these estates, it was transferred to Mr. James Hope, W.S., a relative of the family. At the transference, all papers supposed to belong to the Annandale estates were, as believed by the firm, given over. Subsequent applications had been made at various times on behalf of the family with a view of ascertaining whether they still retained any papers of

¹ Shorthand writer's notes of speech of Lord Advocate McNeill, 11th June 1844, in the Annandale Charter-chest.

theirs, when it was invariably answered that they had given up all that was in their possession.

In the beginning of the present century, the same firm were agents for the late William, Duke of Queensberry.¹ In connection with that agency there was a very large quantity of documents in their custody. A great number of these were given up, but the whole of them were not handed over; as many as thirty or forty leather bags of papers remained. Their office had been at 2 Park Place since 1786, and they had left that place in May 1874, when the bags in question were taken to their present office. Mr. William Fraser, Edinburgh, had applied on behalf of the Duke of Buccleuch, in regard to the Queensberry estates, to examine the contents of the bags now mentioned, and received permission to do so. In making the search in Mr. Crichton's office he found two or three Annandale bags containing Annandale papers. The discovery, which was accidental, was made in January 1876 and by Mr. Fraser's researches. In one of the leather bags the original resignation and bond of entail of 1657 was found.

It was the purpose of his firm, Mr. Crichton said, to have destroyed all these bags under the impression that they contained documents of no importance. He delayed their destruction at Mr. Fraser's request on behalf of the Duke of Buccleuch.²

The resignation discovered in the manner described was at the time of discovery initiated by Mr. Crichton and his son, who was his partner in his business. The resignation was made by James, second Earl of Hartfell and Lord Johnstone. It was duly signed by the Earl 14th May 1657, and there is a minute of resignation in the Exchequer annexed of 19th June same year. The preamble of the resignation sets forth that it was made "speciallie for the weill of our famelie, honor and dignitie in our awin posteritie, and children of our awin bodie," and failing of these in the other heirs therein specified. The dignities resigned were those of the Earl of Hartfell, Lord Johnstone of Lochwood, Moffatdale, and Evandale. The heirs male and female of the resigner's body, and also of the bodies of his sisters who were married, are so distinctly stated that no doubt could arise in any mind in regard to the succession of any heirs called under the deed of resignation.³

THE BOND OF RESIGNATION KNOWN TO EXIST BY THE WESTERHALL FAMILY IN 1730 AND SUBSEQUENTLY.

There were other papers of interest, besides the bond of tailzie and resignation of 1657, found in the Annandale bags discovered with Messrs. Tait and Crichton. Some

¹ Popularly known in London Society as "Old Q."

² Minutes of Annandale Peerage Evidence, 1876, pp. 264-267.

³ *Ibid.*, pp. 267-274.

of these may be appropriately noticed here. One of them is an Inventory dated 14th December 1730, entitled, "Inventory of the writes taken out of the Marquis of Annandale's closet att Craigiehall, by warrant of the Lords of Session dated the fifth of December 1730, to be transmitted to the process at the present Marquis' instance against the Lord Hope." One of the entries of this Inventory is as follows—"Item, Bond of Tailzie of the Earl of Hartfeild's estate, dated 14th May 1657." This entry, even with its imperfect description of the resignation, identifies it as an Annandale muniment. But another interesting fact elicited from the papers is, that Sir James Johnstone of Westerhall was present at Craigiehall on 14th December 1730, and superintended the selection of the papers contained in the above Inventory. The resignation of 1657 was thus in 1730 known to Sir James Johnstone. There is the further evidence gleaned from the papers discovered with Messrs. Tait and Crichton that he had recognised the importance of the document, as on 9th February 1731, he borrowed it from the clerk to the law-suit already mentioned. This appears from a receipt for it given by his clerk. How long the bond of entail and resignation remained with Sir James Johnstone cannot be determined. But he must have returned it prior to 16th May 1766, when Mr. John Tait, as agent for George, Marquis of Annandale, got up from the clerk to the law-suit the resignation and other writs, as appears from a contemporary copy of Mr. Tait's receipt found also in the same collection of Annandale papers. There are indications which will be afterwards alluded to, that Sir James Johnstone of Westerhall was collecting evidence between the dates last mentioned for asserting a claim to the Annandale peerage in certain eventualities. But in all the memorials and printed cases of the Westerhall family the fact of the existence of the resignation of 1657 is carefully suppressed.

The unexpected discovery in January 1876 of the resignation of the Annandale peerages and estates by James, second Earl of Hartfell, in 1657, while the case was being considered by the House of Lords, led to much discussion before the Committee of Privileges, both in printed cases and oral pleadings. But it is unnecessary to enter more particularly into the proceedings subsequent to that date further than to give a record of the various meetings and decisions of the Committee of Privileges, which will now be done.

THE COMMITTEE OF PRIVILEGES DECLINE TO GIVE EFFECT TO THE RESIGNATION OF 1657.

Meetings of the Committee of Privileges were held on 19th June and 26th July 1877, and also on 4th April 1878 and 29th and 30th May 1879, when additional evidence on behalf of Mr. Hope Johnstone and Sir Frederic Johnstone was presented, cases

lodged, and speeches delivered by the counsel for the claimants and also for the Crown. Judgment was pronounced, on the last of these dates, on the claim of Mr. Hope Johnstone to have the resolution of the Lords in 1844 altered in view of the discovery which had been made since then of the Resignation of 1657. Lord Chancellor Cairns and Lords Hatherley, Blackburn, and Gordon expressed their opinions, and the resolution of the Committee was:—That it was their opinion that no reason had been shown for departing from the resolution of the Committee of 11th June 1844, and order of the House thereon. In other words, the judgment of the Committee was that no effect should be given to the resignation of the Annandale peerages and estates in 1657. The Lord Advocate (Watson), as counsel for Mr. Hope Johnstone, put it to the Committee that the resolution just come to did not prejudice the claims of his client, except so far as the effect of the Resignation of 1657 was concerned, and Lord Redesdale, the chairman of the Committee, in answer said that the effect of the decision did not make a bar to any further proceedings which any claimant might be disposed to take.¹

JUDGMENT AGAINST THE CLAIM OF MR. EDWARD JOHNSTONE, 20TH JUNE 1881.

After their refusal to give effect to the Resignation of 1657, the Committee of Privileges proceeded to dispose of the claims of Sir Frederic Johnstone and Mr. Edward Johnstone. On 22nd June 1880 the first of these completed production of his evidence; and on the same day, and on 28th and 30th June 1880 and on 30th May following, Mr. Birkbeck opened the case on behalf of Mr. Edward Johnstone and produced evidence for him. On the last of these dates additional evidence was also produced for Sir Frederic Johnstone and Mr. Hope Johnstone. On the following day and on 16th June Mr. Birkbeck summed up the case for his client. Mr. Fleming, for Sir Frederic Johnstone and Sir John Holker for Mr. Hope Johnstone were heard against the claim of Mr. Edward Johnstone, and Mr. Birkbeck was heard in reply.

¹ Minutes of Annandale Peerage Evidence, 1876-1881, pp. 427-792. Printed Speeches of 29th and 30th May 1879, p. 91. The discovery of the Resignation of 1657 after the statements of Mr. Keay in 1825 and Mr. Kelly in 1844, created considerable sensation amongst the claimants and in the legal profession, as it raised the question whether a resignation of peerages in the Court of Exchequer in Scotland in 1657, during the Commonwealth, would be accepted as valid. One eminent nobleman, who took an interest

in the subject when it was discussed in the House of Lords, of which he was a member, and who held at the time the high office of Commissioner to the General Assembly of the Church of Scotland, saluted the writer hereof at Holyrood, where he had the honour of waiting upon his lordship, when he returned from the discussion in London, with the remark, "You are a pretty fellow, Fraser, to try and make Oliver Cromwell one of the kings of England by an Annandale document."

The Lord Advocate (M'Laren), for the Crown, said that he and the Attorney-General had arrived at the conclusion that Mr. Edward Johnstone had not made out his claim. He was informed that it was unnecessary to state the grounds upon which they had arrived at that conclusion. The Committee then passed the resolution that Mr. Edward Johnstone had not made out his claim.¹

DISCUSSION UPON THE CLAIM OF SIR FREDERIC JOHNSTONE.

At several meetings of the Committee which followed upon the disposal of Mr. Edward Johnstone's claim, Sir Frederic Johnstone and Mr. Hope Johnstone gave in additional evidence. Thereafter Mr. Fleming summed up the case of Sir Frederic; and Mr. Marten, on behalf of Mr. Hope Johnstone, was heard against the claim of Sir Frederic Johnstone.² In the course of Mr. Marten's speech the following important point arose.

THE WESTERHALL PEDIGREE OF 1776 REJECTED.

The subject under discussion was whether a pedigree of the Johnstones drawn up by the Westerhall family in 1776 was admissible as evidence in the peerage case, and what was the value of certain evidence given by living persons who had appeared in the case as witnesses for Sir Frederic Johnstone. What passed in the Committee of Privileges upon the first of these points has claim for special notice, as possessing a particular interest of its own.

There was no pedigree in the Annandale charter-chest that had been prepared prior to 1792, when the last Marquis of Annandale died. But Sir Frederic Johnstone produced from his own repositories this pedigree dated 1776, which stated that Matthew Johnstone, his ancestor, was a son of Adam Johnstone. The pedigree, in fact, if admitted by the committee, was the only evidence in support of the affiliation of Sir Frederic to Adam Johnstone, the ancestor of the Annandale family. It was stated by the committee that the pedigree was proper evidence such as they could receive, unless it could be proved that there was *lîs mota* at the time when it was drawn up.

Mr. Marten, in his speech, was able to show conclusively that there was *lîs mota* in 1776. His arguments were followed closely by the law lords, who questioned him at every step. Upon the authority of a case drawn up by a predecessor of Sir Frederic, in 1838, he showed that the Westerhalls had been collecting evidence for

¹ These proceedings occupied the committee during sederunts on 16th, 17th, and 20th June 1881. [Minutes of Annandale Peerage Evidence, 1881, pp. 1115-1120.]

sederunts of the Committee on 11th, 18th, 19th, and 20th July 1881. [Minutes of Annandale Peerage Evidence, 1881, pp. 1121-1202.]

² These proceedings extended over the

asserting their claim for the peerage from 1740 to 1770, and from 1773 to 1792, when Sir James Johnstone of Westerhall claimed the Annandale dignities. And upon the authority of a list produced from the Westerhall charter-chest of papers conveyed from Westerhall to Edinburgh in November 1787, he further showed that this pedigree was actually prepared by the Westerhall family for the purpose of their claim to these dignities. On these and other equally cogent grounds brought up by Mr. Marten, the Committee of Privileges decided that when the pedigree was drawn up in 1776 there was *lis mota*, and that the pedigree and a copy of it found in the muniments of Sir Harcourt Johnstone were not admissible in evidence.¹

NON-EXISTENCE IN THE ANNANDALE REPOSITORIES OF A PEDIGREE
PRIOR TO 1792.

At the outset of the speech of Mr. Marten, he was asked by the Lord Chancellor on the subject of there being no pedigree in the possession of the Johnstones of Annandale earlier than 1792 in the following manner:—

“*Lord Chancellor*—Let me ask a question. Is there no register of the pedigrees of great men in the College of Arms in Scotland, in the office of the Lord Lyon?

“*Mr. Marten*—I am informed, my Lord, by Mr. Fraser, a gentleman who is well informed on the subject, that all the documents in the College of Arms were burnt down to the period of 1672.

“*Lord Chancellor*—I daresay that is a very well known fact. Now, let me ask another question, a little connected with that. This pedigree which comes from the Westerhall charter-chest is to be considered; is there no pedigree of the Earls and Marquises of Hartfell and Annandale?

“*Mr. Marten*—None, my Lord.

“*Lord Chancellor*—Not in Mr. Hope Johnstone’s charter-chest?

“*Mr. Marten*—I am informed by Mr. Fraser that there is none before the year 1792, when the proceedings began.

“*Lord Chancellor*—And are such pedigrees as are subsequent to that date put before the house or not?

“*Mr. Marten*—They are not. Your Lordship may remember that I tendered in evidence a case which was laid before counsel (it was called a memorial), and your Lordship declined to receive it, on the ground that the proceedings had been commenced when it was drawn up.

“*Lord Chancellor*—Then of course we must not look at it; but what I rather wished to know was whether the state of the evidence before the house excludes the possibility of there being in Lord Hopetoun’s custody, or in the custody of your client, any pedigrees of the Johnstone family.

“*Mr. Marten*—I understand so, my Lord; there is nothing at all.

“*Lord Chancellor*—Because you see if there are any which are admissible in evidence they clearly ought to be produced.

“*Mr. Marten*—Yes; there are none whatever.

¹ Minutes of Proceedings in Annandale Peerage Claim, 20th July 1881, pp. 122-140.

“*Lord Chancellor*—Has any witness stated that they have been searched for, and that nothing of the kind can be found?

“*Mr. Marten*—I do not know that it is so stated in evidence, but Mr. Fraser is here present who has the custody of the Annandale charter-chest.

“*Lord Chancellor*—I have no doubt that Mr. Fraser knows as much as anybody about it; at the same time, if that evidence has not been given, it may be that when we have heard your argument we may desire to have evidence to satisfy us that there are no documents of that kind which could be produced, and which have not been produced.

“*Mr. Marten*—I am quite prepared to have that evidence given to your lordships at once. We can prove that searches have been made and without success.

“*Lord Chancellor*—It seems a singular thing that so important a family should have no pedigrees. However, it may be less singular in Scotland than in England. It is all the more unfortunate on account of the fire which you mention as having happened in the College of Arms.

“*Mr. Marten*—I am quite prepared to ask those questions of Mr. Fraser immediately if your lordships please.

“*Lord Chancellor*—No, not immediately.

“*Mr. Marten*—Then whenever your lordships think fit. . . .”¹

A PEDIGREE OF THE ANNANDALE FAMILY TAKEN OUT OF THE ANNANDALE REPOSITORIES BY SIR WILLIAM JOHNSTONE OF WESTERHALL IN 1721.

The writer of these pages, alluded to in this quotation, was not asked by the Committee on this point, as the case was decided without reference to it. But in regard to the question of the existence of any earlier pedigree in the Annandale charter-chest than the year 1792 there are memoranda preserved in these repositories sufficiently accounting for the non-existence of such a pedigree. These are not without significance, and might have been produced before the Committee of Privileges if opportunity for doing so had been afforded. The memoranda in question are holograph of James, second Marquis of Annandale, and were written immediately after the death of his father, Marquis William, in 1721. They contain reflections made upon Sir William Johnstone of Westerhall, who acted as factor or commissioner for Marquis William, for appropriating papers from the Annandale repositories before and after they were sealed by the Sheriff's orders, according to Scottish usage, after the death of the Marquis. One of these is in the following terms—

“*That Sir William took out a tree of family before sealing papers.*”

This memorandum, in the handwriting of James, second Marquis of Annandale, shows that there was a Johnstone pedigree in the Annandale repositories in 1721, and that this pedigree was appropriated by Sir William Johnstone of Westerhall. If this pedigree had been favourable to the claims of the Westerhall family the probability is that it would have been produced instead of the one that was drawn up in 1776.

¹ Minutes of Proceedings in Annandale Peerage Claims, 20th July 1881, pp. 120, 121.

JUDGMENT AGAINST THE CLAIM OF SIR FREDERIC JOHNSTONE.

After Mr. Marten had concluded his speech, Mr. Fleming was heard in reply. The Lord Advocate McLaren was then heard on behalf of the Crown, and expressed the opinion that Sir Frederic Johnstone had not made out his claim. Thereafter the Committee resolved that the claim of Sir Frederic Johnstone was not made out.

IMPERFECT INVESTIGATIONS BY THE CLAIMANTS TO THE PEERAGES.

This closes the proceedings of a century of romance of the Annandale peerage. After all the extensive researches that have been made by the Westerhall and Annandale families, and by the other claimants, events which transpired in the course of the proceedings show how incomplete these researches often were. The discovery of the Resignation of 1657 is not the only evidence of this. The discovery of the warrant for the patent creating William, Earl of Annandale, Marquis of Annandale, dated 24th June 1701, is another instance of imperfect investigation. The warrant which had previously been overlooked by all the Westerhall claimants in their extensive searches for a century was, by the writer of these pages, discovered in the proper legal repository of the first Earl of Marchmont who received the warrant as his authority for appending the great seal to the patent. The Westerhall claimant objected to the reception of the warrant by the House of Lords in evidence at a meeting of the Committee of Privileges in 14th May 1844. The object in objecting to the warrant was that it was fatal to the contention of the Westerhall claimant, as it contained a limitation of the Marquisate to the heirs-male whatsoever succeeding to the Marquis in his lands and estate. As the Westerhall claimants are not in the entail of the Annandale estates, and have not succeeded to an acre of them, they could not be heirs to the Marquisate, even supposing they should establish their pedigree.

ATTACKS UPON LAW LORDS BY DISAPPOINTED LITIGANTS AND OTHERS. MR. RIDDELL IN THE CASSILLIS, SUTHERLAND AND GLENCAIRN CASES.

Attacks upon law lords who have decided Peerage Cases in the House of Lords have not unfrequently been made by disappointed claimants to peerages and others. One noted instance of this is found in a work entitled "Inquiry into the law and practice in Scottish peerages before and after the Union," by the late Mr. John Riddell, Advocate,¹ who spent a long life in the study of Scottish antiquities, and especially of peerage law. Throughout his published work referred to, which extends

¹ His well-known work was published in 1842 in two volumes octavo.

to 1152 pages, Mr. Riddell vigorously attacks Lord Mansfield and Lord Loughborough, afterwards Earl of Rosslyn, the former of them in respect of his speeches in the Cassillis and Sutherland Peerage Cases, 1762 and 1771 respectively, and the latter in regard to his speech and judgment as Chancellor in the Glencairn Peerage Case, 1797. The objections stated by Mr. Riddell against these two eminent law lords, and their opinions in the Scottish Peerage Cases which have been named, will be ascertained by a reference to the index to his work. There Mr. Riddell, under the name of Lord Mansfield, writes as follows:—"His various errors, inadvertencies, crudities, devices, misconceptions and striking contradictions, etc., etc." Under the name of Rosslyn, or Loughborough, Lord, Mr. Riddell writes, in almost the same language, thus:—"His various defects, crudities, devices, misconceptions, contradictions, etc., etc." In each case the references to pages in the text are very numerous. No person can read Mr. Riddell's attacks upon these two noble lords without forming the conviction, from the pertinacity, incision and bitterness which mark them, that he has been actuated by a strong personal feeling against them as if they were his own enemies. But notwithstanding the vigour and vehemence of these attacks upon the opinions of Lords Mansfield and Loughborough, their judgments in the peerage cases referred to have not been reversed. They still remain the final and regulating decision of the highest court.

THE LATE EARL OF CRAWFORD AND BALCARRES IN THE MONTROSE CASE.

Another instance, this time of a disappointed litigant attacking the judgment of the House of Lords against his own peerage claim, is that of the late Earl of Crawford and Balcarres. Elated with his success as Earl of Balcarres in establishing his claim to the title of the older Earldom of Crawford, he listened to the advice of Mr. Riddell, who had been his counsel, and made a bold claim to the higher dignity of the Dukedom of Montrose, which was created by King James the Third in the year 1488, in favour of David, fifth Earl of Crawford. But although both the noble claimant and his eldest son, Lord Lindsay, were held in high personal regard by their fellow-peers, and great exertions were made to establish this claim, and a large number of counsel were engaged at much cost, it was a hopeless claim. The creation was made void by Act of Parliament, and afterwards restricted to a new grant of the title for the lifetime of the grantee only. Owing to the great exertions and cost incurred by the claimant, the case obtained a respectful hearing, and all the eminent law lords of the day, including Lord Chancellor Cranworth, Lords Brougham, St. Leonards, and Lyndhurst, were unanimous in holding that the claim had not been made out. The judgments of the Lord Chancellor and Lord St. Leonards were given at considerable length. During the hearing of the case, the Attorney-General, Sir Alexander Cockburn, afterwards Lord Chief Justice of England, made an

able speech against the claim. He could not avoid in his speech alluding pointedly to Mr. Riddell, who was one of the many counsel employed in the case by the Earl of Crawford. In his book on Peerage Law, already referred to, Mr. Riddell had expounded as a matter of history the Dukedom of Montrose, created in 1488 and rescinded by Act of Parliament in 1489 with a new grant for life only. This was so directly in opposition to what Mr. Riddell, in his printed cases, now represented, that the Attorney-General could not fail to turn it to account. After acknowledging Mr. Riddell's learning, he mentioned his book on Peerage Law as a work of authority, and appealed to it, saying, "I appeal from the counsel to the author, I appeal from the interested advocate to the disinterested historian."¹

Mr. Riddell's client in that case was in reality Lord Lindsay, the eldest son and heir-apparent of the Earl of Crawford and Balcarres. His Lordship was an estimable nobleman, and the author of many interesting works, including the "*Lives of the Lindsays*," which is much esteemed as a model family history. Still he felt so aggrieved that his claim to a dukedom, which would have made him premier duke of Scotland, had been rejected, that he wrote a most elaborate report of the case, appealing directly by a letter to Her Majesty the Queen, prefixed to the report, in which he complained that the House of Lords had treated his case indifferently, and, indeed, had held it cheap. The Report, as it is called, of the whole cause, is a ponderous folio.² But no notice of it was taken in any form by Her Majesty, although it was so specially addressed to her. The work of Lord Lindsay eclipsed that of his legal adviser, Mr. Riddell, but his style was very different, and free from those personal attacks of the judges which characterised the work of Mr. Riddell, and which were generally acknowledged to have gone beyond the bounds of legal literature.

THE EARL OF CRAWFORD AND BALCARRES ON THE MAR PEERAGE.

Not content with writing the bulky volume addressed personally to the Queen on the rejection of his claim to the dukedom of Montrose, the Earl of Crawford, twenty-seven years later, or in 1882, again, this time in regard to the Mar peerage, made an attack upon the judgment of the eminent law lords who decided that celebrated case.

¹ Report of the Montrose claim by Lord Lindsay, p. 217. Mr. Riddell, who was present, winced under this scathing exposure of his contradictions, and he whispered to a friend who was standing beside him, "O, botheration take that book of mine, it is always coming up against me."

² A copy of that Report was presented by the author of the Report to the late Mr. John Hill Burton, the historian, who facetiously remarked to a friend that the book was so big that it had to be specially conveyed to him in a wheel-barrow.

His lordship had taken an interest in that case, and attended several meetings of the committee in the long years during which the claim was in dependence before the House of Lords. But his lordship was merely a patient and attentive listener. He never intervened with any remarks in the course of the lengthened speeches of counsel or of the law lords in pronouncing the final judgment. He appeared to acquiesce in the unanimous judgment in favour of the Earl of Kellie as the successor of John, Lord Erskine, first Earl of Mar, who was so created by Queen Mary on the occasion of her marriage with Darnley in 1565. Mr. Goodeve Erskine, who contested the claim of the Earl of Kellie, failed in his contention, and was a very disappointed litigant. Several of his friends sympathised with him, and regretted that the older earldom of Mar was treated by the Lords as extinct. Several noble lords, headed chiefly by the Earl of Galloway, after the decision of the House of Lords in favour of the Earl of Kellie, warmly espoused the cause of Mr. Goodeve Erskine before the House of Lords, with a view to finding redress for him. Lord Crawford, who had qualified himself for attacking a unanimous judgment of the House of Lords in his own Montrose case, made a similar attack upon the unanimous judgment of the law lords in the Mar case. His book, entitled "The Earldom of Mar in Sunshine and Shade during Five Hundred Years," consists of two octavo volumes extending in all to upwards of 1000 pages. It was published in 1882. The task was too much for his lordship, and he died on 13th December 1880, before the work was completed. The unfinished volumes, after the earl's death, were put into the hands of the late Mr. George Burnett, Lyon King of Arms, to complete for publication.¹ A copy of Lord Crawford's book was presented to Her Majesty, who referred it to her Prime Minister, Mr. Gladstone. He in turn referred the book to the Lord Chancellor, the Earl of Selborne. While at the bar his lordship was the leading counsel for Mr. Goodeve Erskine, and in various ways had shown a sympathetic feeling for his client. The unseemly protests manufactured in printed form by the friends of Mr. Goodeve Erskine, and the trouble which was created by repeated discussions of the case in the House of Lords, induced Lord Selborne to promote a bill for the restoration of "John Goodeve Erskine" to the earldom of Mar, with ranking in the Roll of the Peerage of Scotland next after the Earl of Sutherland. But the judgment in favour of the Earl of Kellie as Earl of Mar created by Queen Mary, was completely safeguarded in a special clause in the Restitution Act of 1885 in favour of Mr. Goodeve Erskine.

Lord Selborne and the other lords who promoted that Act of 1885 believed that it had terminated the controversy which had arisen about the Mar peerage. But in that

¹ Mr. Burnett had been one of the active promoters of the claim of Mr. Goodeve Erskine, and prematurely in his official capacity recognised him as Earl of Mar.

they were disappointed. Lord Galloway and his friends still continued their protests, and agitated both in the House of Lords and at the election of Scottish peers at Holyrood against the judgment of the Lords recognising the Earl of Kellie as Earl of Mar.

In one of the great debates in the House of Lords upon this subject, raised by Lord Galloway, the Earl of Selborne made a masterly and exhaustive speech for maintaining the judgment of the House of Lords in favour of the Earl of Kellie as Earl of Mar. That speech was so damaging to the protracted agitation by Lord Galloway that the protesters were never able to answer it, although they continued their agitation in the spirit of Lord Crawford's Mar Book. Subsequently Lord Galloway and a number of his friends wrote to the Lord Chancellor, Lord Halsbury, asking his advice what to do to further their ends. His Lordship called Lord Galloway and the other Lords before him in the House of Lords, and complained of their irregular course of proceeding. The opposition has since then died out. For the first time at an election of peers at Holyrood there was, at the election of 1894, no protest tendered by Lord Galloway or any other peer relative to the Mar Peerage. The unanimous judgment of the House of Lords in favour of the Earl of Kellie as Earl of Mar has been amply sustained notwithstanding the long ordeal through which it passed by the "persecutions," as Lord Selborne styled them, of the Earl of Galloway and the other disappointed peers who followed his lead.

THE JOHNSTONES OF ANNANDALE AND THE DECISIONS AGAINST THEIR CLAIMS.

Nothing could be further from the wish of the present representative of the Annandale family or of the writer of this narrative than to follow these several examples here in regard to the judgments of the House of Lords upon the claims made to the Annandale peerages since 1792, or to those who saw it their duty to pronounce them. While still avoiding this course therefore as much as has hitherto been done, it is only proper in closing the narrative to offer some remarks explanatory and vindictory of the part taken by Mr. Hope Johnstone and his predecessors in this celebrated peerage contest.

THE FAMILY JUSTIFIED IN MAKING THESE CLAIMS.

The judgments which the House of Lords have passed upon these claims of the Johnstones of Annandale have invariably respected the construction of the limitation in the patent of 13th February 1661. The limitation in question confers the Annandale peerages, in the first place, upon the "heirs male" of the patentee. The construction of that term, upon which all the contentions of the Annandale family have uniformly rested, is that, in this particular patent, it means heirs male of the body. It has been

seen that the House of Lords have rejected this construction, and have construed the term to mean heirs male whatsoever, leaving it open to Mr. Hope Johnstone still to seek the peerages under an amended claim.

While the claim to the peerages made by the Annandale family and the particular construction of the disputed limitation, upon which that claim was made to rest, have not thus far been upheld by the supreme tribunal of the country, yet, there can be no ground, on this account, for holding that the family were without justification in bringing their claim and the limited construction of the terms in the patent of 1661 upon which it rested to the test of law. There are such particulars as the support given to their claim by so many eminent counsel employed by the family, the admitted flexibility of the term in the patent, and the hesitancy which the Lords so long displayed in deciding upon the construction of the terms. There are also the further particulars of the judgment which was proposed by Lord Brougham in favour of the limited construction of "heirs-male" and of the claim of Mr. Hope Johnstone, and the vacillation and change of opinion of such legal luminaries as Lord Redesdale and Lord Brougham. All these, when viewed singly, and especially in combination, demonstrate that the Annandale family were not without reasonable ground for confidently expecting a judgment in their favour, or at least that they were not chargeable with presumption in entertaining that confidence.

THE VALUE OF CONTEMPORANEOUS EVIDENCE.

The weight of contemporaneous evidence in favour of a limited rather than an extended construction being put upon the limitation in the patent of 1661 is considerable. In the Montrose case, to which reference has already been made, the Lords who decided it acknowledged the importance of such evidence and the influence it had upon them in coming to a decision in that case. In his speech when pronouncing judgment on 5th August 1853, Lord Chancellor Cranworth, speaking of the effect of the Act Rescissory of October 1488 upon the Montrose patent of May of the same year, said : "Undoubtedly the principle has been often acted upon, and not unwisely or improperly, that matters of this sort, being in very great obscurity, may sometimes be elucidated by what has been called *contemporanea exposilio*—seeing how they were understood at the time."¹ After referring to such evidence at considerable length, his Lordship added the words : "It appears to me, therefore, my Lords, that all these documents afford the most irresistible contemporaneous evidence that the Act Rescissory was then understood to have the effect which I propose now to ask your Lordships to attribute to it."² In summing up the case at the close of his speech, and immediately

¹ Report of the Montrose Claim by Lord Lindsay, p. 315.

² *Ibid.* p. 326.

before moving the resolution containing the judgment of the House, Lord Cranworth, insisting again that the Act Rescissory annihilated the Montrose dignities claimed by Lord Crawford, said : " All contemporaneous usage shews that it was so understood. Everything that has been done since has been done upon the assumption and upon the footing of these having been annihilated. Three centuries and a half have elapsed without any claim to this Dukedom being made, which is at least a strong argument to shew that there was some reason why the claim has not sooner been made ; and for the reasons I have stated I am of opinion that this claim has not been made out."¹

Lord St. Leonards, who followed the Lord Chancellor with a speech, alluding to the point of the regrant of the Dukedom of Montrose being only for life, said : " But even supposing there were a question about it, contemporaneous usage, as my noble and learned friend said, must guide and always has guided in these cases, particularly if you are called upon to supply certain words in an ancient grant which are not found there."² The Montrose claim was in short decided upon contemporaneous evidence.

CONTEMPORANEOUS EVIDENCE BEARING ON THE LIMITATIONS OF THE ANNANDALE PATENT OF 1661.

As has been stated, contemporary evidence bearing upon this subject is forthcoming. The peculiar circumstances of the family of James, Earl of Annandale and Hartfell, in 1661, when the patent of peerage was granted to him, constitute very important contemporary evidence upon the subject. These circumstances were not sufficiently attended to, nor indeed recognised, during the progress of the case. No one can read the second chapter of the Memoir of the first Earl of Annandale, printed in the first volume of this work, without arriving at the conviction of their great importance in this connection. That chapter has not been embodied in this narrative, in order to avoid repetition, but it ought to be read along with it.

There are two parties to the patent of honour in question. There is the grantee or recipient of it and the granter of it. The strong desire of the first of these and the manifest intention of the last of them in regard to the limitation of the patent are conclusively brought out in the chapter. A summary of what it contains may be here introduced.

THE ORDER OF SUCCESSION DESIRED BY THE GRANTEE OF THE PATENT OF 1661.

From an early period of his life, James, earl of Annandale and Hartfell, showed himself to be possessed of a dominating desire to have his honours and estates

¹ Report of the Montrose Claim by Lord Lindsay, p. 343.

² *Ibid.* p. 357.

inherited by heirs of his body. To secure such heirs he contracted marriage in 1645 when a minor. During the first six years there was no issue of the marriage, but by 1655, or ten years after the marriage, two daughters were successively born to him. As he had no sons by this time, and lest his estates should come to be possessed by collateral heirs-male, the heirs of entail ranking next to the heirs-male of his body, the earl made a bond, disposition and entail, on 15th February 1655, rescinding former entails, and making new provisions and a new entail. This new entail secured, that failing heirs-male of his body, his earldom was to be inherited by the heirs-female of his body. The earl also obliged himself never to make any new entail or disposition of his estates, failing heirs-male of his body, to the prejudice of his daughters. This is strong contemporaneous evidence of the earl's desire so far as the succession to his estates is concerned.

Similar evidence also exists of the desire entertained by the earl in regard to the succession to his dignities at this time. On 18th January 1657, a third daughter was born to him. A month or two previously his only brother died without issue. The circumstances of the earl at this juncture in regard to male heirs is most striking. He had three daughters, no sons, no brothers, no uncles, and no known male relative direct or collateral. He had, however, two sisters and their male and female children. In these circumstances the earl, on 14th May 1657, made resignation of his estates and peerages for a regrant in favour of himself and the heirs-male of his body ; whom failing, to the heirs-female of his body ; whom failing, to his sisters and the heirs of their bodies. This resignation bears to be made by the earl for the weal and standing of his family, honour, and dignity, in his own posterity and children of his body, and failing them, of the other heirs of entail therein specified. There were other deeds of settlement which the earl made at this time, on the same lines as those now named.¹ No clearer or more convincing contemporaneous evidence could possibly exist of the intense desire in reference to the succession to his peerages and estates which animated the earl at this time. The fact of the resignation of 1657 being made in the hands of Cromwell's exchequer night and has affected the legality of the deed as a valid resignation, but it can never take away the force of its testimony of what the desire of the earl was at that important juncture. And while the House of Lords has refused to give effect to it as a resignation, it is difficult to see how they can reject the evidence which it gives upon this point as a "declaration plain" upon the part of the earl.

The crown charter of 1662 is also contemporaneous evidence of the desire of the earl. That charter is not confined to the lands. The destination of these is accompanied with the "style, title and dignity of Earl of Annandale," which shows that the

¹ Volume i. of this Work, p. cxxviii.

title and estates were to go to the same heirs, and the limitations comprise heirs-male of the body, heirs-female of the body, and heirs male general, in succession, the order of succession stated in the resignation of 1657 of the estates and dignities of the earl.

This charter and its limitations prove that in 1662, the year following the date of the patent of peerage, the Earl's desire as to the destination of his honours and estates, was entirely the same as to his daughters succeeding the heirs-male of his body as it had been five years previous when he resigned these in 1657.

THE ORDER OF SUCCESSION INTENDED BY THE GRANTOR OF THE PATENT OF 1661.

The other party to the patent of 1661 besides the grantee was King Charles the Second, the grantor of it. Contemporaneous evidence of his intention is obtained from his whole conduct to the earl at this time, and especially from the patent itself, and the terms which the king employs in it. These manifestly show that the earl was in great favour with the king, that the king was grateful to him on account of his services, and his sufferings in the king's cause, that His Majesty was determined to reward the earl for these, and that he intended to do so in such a way as would gratify and please him. The strong and cherished desire of the earl has been sufficiently shown, and there was nothing that the king could do for him that would so much reward, and gratify, and please the earl as to concede to him that desire. It is difficult to imagine that the king crossed the wish of one for whom he had this favour so much as to bring in heirs-male general before the heirs-female of the body. The earl had a son born to him on 17th December 1660, nearly two months previous to the granting of the patent, which was on 13th February 1661. In the patent, the king re-granted the old peerages of 1633 and 1643, resigned by the earl in 1657. He also gave him a grant of three new peerages, with extended limitations to include the heirs-female of his body. The limitations of the patents of 1633 and 1643 excluded these heirs-female. If, however, in the patent of 1661, heirs-male whatsoever were made to rank before heirs-female of the body, it was a practical exclusion of the latter.

The crown charter of 1662, which has been referred to already, is further corroboration of the king's intention to gratify and please the Earl of Annandale at this time. As in the case of the patent, it contains many expressions of gratitude and favour to the earl. It also conferred upon him the earldom of Annandale, with its boundless baronies and lordships, appointed him lord of the regality of Moffat, stewart of the Stewartry of Annandale, and hereditary keeper of the Castle of Lochmaben. The limitations of this charter are those contained in the resignation of 1657. The docquet at the end of the warrant, which is under the king's sign-manual and upon which the

charter proceeded, bears that it contains the gift of the king to the earl of the lands, lordships, and others therein specified, "with the dignity of an Earl."

The intention of King Charles to gratify and please the earl is, however, still further borne out, when, on 23rd December 1669, with the advice and consent of Parliament, he, by an Act of Parliament, ratified and approved the charter of 1662 with its limitations to the heirs-male of the body, whom failing the heirs-female of the body, and other heirs therein stated, and grant of the earldom of Annandale, "with the title, style, and dignity of Earl thereof." Besides bringing out the disposition of the king to favour the earl, this Act of Parliament, and the charter which it ratifies, shows that it was on all hands understood at the time that the landed earldom and the title of Annandale were to go together to the same series of heirs—that given in the charter.

The acts of royal favour shown to the Earl of Annandale by the king now recited, amount to "a declaration plain" of his intention not to decline, but to concede, any request made by the earl. To have brought in the heirs-female of his body and their offspring, for whose succession to him in his dignities and estates, failing heirs-male of his body, he was so very deeply solicitous, not after the heirs-male of his body, but after the remotest male posterity of his remotest male ancestor, would have been a mockery of his cherished wishes and the opposite of pleasing to him.

LORD BROUHAM ON THE ANNANDALE PEERAGES, ON 15TH MAY 1834 AND 11TH JUNE 1844.

The course adopted by Lord Brougham as Chancellor, on the first of these dates, in delaying judgment, and calling upon counsel for the claimant to answer the speech of counsel for the Crown, as his Lordship himself admitted, was a most unusual one.¹

But this was not the only unusual proceeding adopted by Lord Brougham on that occasion. After proving to a demonstration in his speech the construction of the limita-

¹ The course referred to was the best method that occurred to his Lordship to get out of a dilemma. He intended his speech at first to be a final judgment in favour of Mr. Hope Johnstone, there being at the time a concurrence of opinion in the Committee of Privileges in favour of his claim. The imprudence of Lord Brougham, however, caused the tenor of his proposed judgment to become known beforehand. This gave time to Lord

Mansfield, who took alarm, to canvass members of the Committee, with the result that, at the last moment, Lord Brougham found it necessary to change the intended judgment into a speech of balancing the arguments on both sides, but still with a manifest leaning to Mr. Hope Johnstone, and probably with the expectation of ultimately deciding in his favour.

tions in the patent of 1661, contended for by the claimant to be the accurate one, and after employing the strongest and most forcible language in support of that construction and against any other one, and making his speech to be one entirely for the claimant, Lord Brougham referred the case and his proposed "Judgment" upon it to two judges of the Court of Session. Such a proceeding was unprecedented and irregular, and led to consequences disastrous to the claim of Mr. Hope Johnstone.

Speaking of the construction of the limitations in question, to which his speech was entirely confined, and upon which in his Lordship's view the case turned, Lord Brougham pointed out the necessity of construing "heirs-male" to mean in this patent heirs-male of the body, in order to avoid giving the limitations "an uncouth aspect and anomalous character," and to make them "intelligible and rational." He supported that construction by applying "the soundest rules of construction," and by stating that the opposite construction made the limitations "wear so unusual and, indeed, so absurd an aspect." He laid down "as a proposition which can admit of no doubt, that if there is one intention more clearly expressed than another, if there is one purpose more certainly defined than another, and meant to be more precisely fulfilled in this charter, it is that the limitation should have effect which carries the honours in a certain event to heirs-female." He then added, "The question is, in what event? and that is the whole question." Lord Brougham, weighing the arguments which had been produced on both sides upon this point, answers the question. He says, if the limitation is construed to mean heirs-male whatsoever, then all that was written in the patent about heirs-female "is waste paper," and the limitation bringing in that class of heirs "never can by possibility be made available to any human being while the grass grows or the rain falls, because no man can prove the extinction by legal evidence of all persons who may by possibility connect themselves with James, Earl of Hartfell, the first patentee, through males only." It is unnecessary to quote more of the many strong expressions of a like kind made use of by Lord Brougham in enforcing his "present impression," which he said was "undoubtedly in favour of this claim."

Instead of giving a judgment in terms of the conclusions to which he had come, Lord Brougham asked the Committee of Privileges for time "for further consideration of the whole subject, and for communication with the heads of the Law in Scotland," or with "the Court below," as he phrases it in 1844. As has been shown in the earlier pages of this narrative, Lord Brougham did not open communication with "the heads of the Law in Scotland," but with Lords Moncreiff and Corehouse, two Ordinary Lords of Session. The Lord Justicee-Clerk in 1834 was David Boyle, and the Lord President of the Court of Session was at that date the Right Hon. Charles

Hope of Granton. But neither of these were consulted by his lordship. The two judges who advised him not only were not the supreme heads of the Court of Session, but in no sense were they either "the Court below." Neither of their lordships had heard the whole evidence and pleadings, and they were therefore incompetent to advise upon the proposed judgment of Lord Brougham. They were not unanimous in the advice which they gave. This important fact his lordship is careful not to mention. Lord Moncreiff, who had heard part of the evidence in an earlier stage of the claim,¹ gave an opinion which was entirely in favour of a judgment for Mr. Hope Johnstone. Lord Corehouse, who had never heard the case, or been connected with it in any way, took the opposite side, and gave an opinion against such a judgment. All this is brought out in the correspondence upon the subject in the previous part of this narrative.

In 1844, when advocating an extended construction of the limitations of the patent of 1661, in opposition to his views in 1834, Lord Brougham says,—“I had a communication with some most learned judges of the Court of Session upon the subject, who were of opinion that the contrary construction in a question of peerage would be of the utmost possible peril, and would shake the principles upon which the Courts of Scotland proceed in respect of the titles of real property.” In the same speech he says again,—“My communication with the Scotch judges was had immediately after the argument before the Whitsun recess, and I then found that the opinions I had taken of those very learned persons, Lord Corehouse² and others, put a stop to all chance of its being immediately decided.” Lord Brougham refrains from mentioning Lord Moncreiff,

¹ His lordship before he succeeded to his baronetcy in August 1827, and before he was elevated to the Scottish Bench in 1829, as Mr. James Wellwood Moncreiff, acted as counsel for Mr. Hope Johnstone for a very brief period, and was present at the Committee of Privileges, and heard the evidence produced at the single sederunt of 28th April 1825.

² It is probable that it was the case of the Duke of Hamilton to which Lord Corehouse referred as being a precedent against the proposed judgment of Lord Brougham. But the truth is, the Duke of Hamilton holds the title and estates of Hamilton, although he is neither heir-male nor heir-female of the Hamilton family, but merely heir of provision under

a particular entail. The heir-male of the Hamilton family is the Duke of Abercorn and Marquis of Hamilton, K.G., while the Earl of Derby is the heir of line or heir-general of the Hamilton family. The late Earl of Derby, on 15th November 1859, wrote to the writer of these pages that some years ago Mr. John Riddell investigated his father's claims, “and though the result was to satisfy me that I might successfully claim some of the titles, I did not see any sufficient inducement to do so.” [Original Letter *paves* the writer hereof.] The popular tradition on the subject is that Lord Derby might claim the title of Earl of Arran, but not the island of Arran, and that he did not care for the title without the island,

whose opinion coincided with that of Lord Brougham as first entertained. He mentions Lord Corhouse as he makes use of his opinion. Yet he leaves the reader of his speech to infer that he only got one opinion from the judges he consulted. He does so at least in the first of these quotations. He also conveys the impression that he was giving the prevailing opinion of the judges in the Court of Session, whereas there is ground to believe that there was greater unanimity in opinion among them for a limited construction of the limitations of the patent of 1661.¹ In his speech in 1844, Lord Brougham coincided with the judgment of Lord Lyndhurst, then Lord Chancellor, against the claim of Mr. Hope Johnstone, and accounted for his change of opinion since 1834, by stating that he had been influenced by his communications with the judges in the Court of Session. The unusual course taken by Lord Brougham led to great injustice to Mr. Hope Johnstone. At the same time, it must be admitted that his speech in 1834 is a masterly and exhaustive statement of the case of Mr. Hope Johnstone, the force and conclusiveness of which no argument can set aside.

OBSERVATIONS ON LORD CHANCELLOR LYNDHURST'S JUDGMENT ON 11TH JUNE 1844.

In 1826, when the Annandale peerage case was before the Committee of Privileges, Lord Lyndhurst, who was then Sir John Singleton Copley, in his official character as Attorney-General, acted as counsel for the Crown in the case, and pleaded as such against the claim of Mr. Hope Johnstone. His speech delivered on 9th March of that year, and his speech as Lord Chancellor in giving judgment on the claim of Mr. Hope Johnstone in 1844, are in striking contrast the one with the other. The speech in 1826 extends to sixty folio pages of ms.² The one in 1844 only covers little more than two folio pages of print. The case which in his first speech must

¹ The Right Hon. Charles Hope, Lord President of the Court of Session, in notes by him on the claim for the earldom of Annandale, written in 1830, and preserved in the Annandale Charter-chest, states his persuasion that the judges of the Court of Session would be unanimous upon this point.

² The speeches for the Crown in 1826, of Sir William Rae, Lord Advocate, and Sir John Copley as Attorney-General, extended over two sederunts of the Committee of Privileges. The Lord Advocate's speech

begun on 6th March was continued on 9th March, and comprised in all seventy-seven folio pages of ms. The Attorney-General's speech was given when the Lord Advocate was finished, and, as stated above, was not much shorter than that of Sir William Rae. Mr. Adam's reply to Crown counsel given on 13th March extended to eighty-seven folio pages of ms., while the speeches of Lords Redesdale and Eldon on 22d May following, are contained in twenty-two folio pages of ms.

have assumed considerable dimensions to him, in his last shrunk to be one which resolved itself "into the narrowest possible compass."

Only one reference need be made to the speech of 1826. In that speech he endeavours to make a strong point of the allegation which he made that the patent of 1661 was drawn up by a crown official accustomed to such work, and who would therefore be most accurate in the phrases which he employed. But as his allegation was a mistake, his whole argument falls to the ground. His words are—

"I cannot suppose that when the first limitation was to *Comitem de Hartfell ejusque heredes masculos* that that was done inadvertently, that it was done without consideration, but I must assume that it was done deliberately, the person drawing the instrument knowing at the time what the nature of this limitation was. Your lordships will recollect this is a grant by the Crown, prepared by persons accustomed to prepare instruments of this kind, knowing the full force of the terms they made use of. Can your lordships suppose, therefore, that persons of that description, preparing an instrument of this kind with that caution which is always exercised in preparing instruments of this nature, knowing the full force of the terms they were using, having the former patent of the Earl of Annandale before them, that they should inadvertently omit the words '*ex corpore*', while at the same time they meant 'heirs-male of the body'? Not having so expressed itself in the instrument itself, it is impossible that your lordships can come to that conclusion."

Under the second limitation of the patent of 1661, he speaks in similar terms to what he has now been quoted as saying under the first. He proceeds thus:—"The party who drew this instrument knew very well the effect of the words he was using :" and again—

" The limitation being drawn by a person acquainted with his business from his situation, he meant fairly to discharge his duty, and that he must intentionally have omitted the words '*ex corpore*', and have made use of the terms heirs-male as indicating the intention of the grantor that the estate and title should pass to the heirs-male general."¹

There is no proof that the person who drew up the patent of 1661 was accustomed to prepare such instruments, and that he answered to the description here given of him. The person who prepared this particular patent was Andrew Martein,² the Earl of Annandale's own legal adviser, and the presumption is that this was the first and last patent of the kind that he ever prepared. The gratuitous assumption of Lord Lyndhurst is thus disproved by existing contemporaneous evidence.

In his short speech of 1844, Lord Lyndhurst differed from the lords who preceded him in the Annandale case on the subject of the extinction of heirs-male general.

¹ Copy Speech in ms. in Annandale Charter-chest.

² Vol. i. of this work, p. cxxxii.

Lords Eldon, Redesdale, Brougham, and others, held that before a new series of heirs could succeed upon the failure of heirs-male general, it was necessary to prove the extinction of all male heirs up to Japhet or Adam. Lord Brougham says—

"While on the one hand there is no end of the claims that may be brought forward by some one springing up who may be able to connect himself by males only with the patentee, so also, on the other hand, the possibility of proving extinction is not to be contemplated; indeed you can never at any one time prove by legal evidence that there is a complete extinction of the general male succession by the failure of heirs-male whatsoever: heirs-male of the body may fail, heirs-female of the body may fail, but that heirs-male whatsoever should fail, seems hardly within the scope of possibility. But, at all events, it is quite out of the scope of possibility in every case that you should succeed in proving the failure of that destination, namely, of heirs-male whatsoever. Therefore, I can hardly conceive a more hopeless task being imposed upon any party, than having to claim upon the failure of heirs-male general, or whatsoever."

In contrast with all this Lord Lyndhurst saw no difficulty in the case at all. He held that it was "a matter of proof—a matter of evidence." Lord Brougham said, "The possibility of proving extinction is not to be contemplated." Lord Lyndhurst now said, "If after diligent and cautious inquiry no heir-male can be found, and there is sufficient ground to believe that no such heir can be discovered, this will let in the next limitation."

In both of his speeches, the one in 1826 and the other in 1844, Lord Lyndhurst made the limitations of the patents of 1633 and 1643 to rule the limitations in the patent of 1661, and because the two former set out with a limitation to heirs-male general, he considered that the other one of 1661 must do the same, and he construed it accordingly. But his lordship had to acknowledge that while the two former had no provision for heirs-female, the third one had, and he confessed that this was a "material circumstance," although he did not give effect to it.

The two Chancellors before whom the Annandale claims were heard in 1834 and 1844 respectively, were rivals. They were both distinguished peers and great orators. But they differed in important points. Lord Brougham had the natural gift of quickly arriving at accurate conclusions on a case brought before him for trial. Even Lord Lyndhurst admitted this. While he was of opinion that without labour and reading Lord Brougham could not administer justice, he granted that "his great acuteness and rapid perception may often enable him at once to see the merits of a case, and hit upon the important points." Lord Lyndhurst, on the other hand, with all his intellectual powers, did not take this ready and almost intuitive grasp of the merits of his subject. He arrived at his conclusions by a slower method. But they were not always more sure and accurate on that account. There is a well-known lawsuit, the

decision in which indicates that Lord Lyndhurst's judgments were occasionally unreliable. The case of *Small v. Attwood*¹ was in some respects one of the greatest ever tried in England. It fell to Lord Lyndhurst, as Chief Baron of Exchequer, to try the case. After hearing it he took nearly a year to deliberate upon it. But his judgment, which was delivered on 1st November 1832, when appealed against, was reversed in the House of Lords by the law lords who were his juniors.

Another important difference between the rival Chancellors, and one which detracts from the value of the judgment in the Annandale case in 1844, may also be pointed out. Lord Brougham was originally a Scotch advocate, and was trained in Scotch law and had practice in it. He was thus competent to deal with a Scotch case like that of Annandale. Lord Lyndhurst, on the contrary, was entirely unacquainted with Scotch law. He was called to the English Bar, and he had uniformly declined briefs in Scotch appeals. Lord Campbell, in his Life of Lord Lyndhurst, says of him, "that for him to have attempted to speak *ex cathedra* on the Scotch tenure '*a me vel de me*,' would only have exposed him to ridicule."² When he became Chancellor in 1827, Lord Lyndhurst had to adopt the unusual course of obtaining a commission from the House of Lords to Sir William Alexander, Chief Baron, who had a thorough knowledge of Scotch law, and to Sir John Leach, Master of the Rolls, to dispose of Scotch appeals to the House of Lords.³ This was a violation of the rule that only peers could sit as judges in such cases. The Annandale case was one requiring the application of the principles of Scotch law. The case turned upon the interpretation to be given to the term "heirs-male" in the limitation of the patent of peerage of 1661; and although, as has been seen, the term is a flexible one, the ordinary meaning given to it in England is entirely different from that attached to it in Scotland. Those lords who had most acquaintance with Scotch law found such difficulties in the case as induced them to delay giving a decision upon it. But Lord Lyndhurst, who had least acquaintance, and indeed no acquaintance, with Scotch law, found no difficulty in the case whatever, and pronounced a final judgment upon it in the terms already narrated.

From the preceding narrative it is evident that in regard to the limitation to heirs-male in the patent of 1661, upon which the peerage claims from the first have been made to turn, there are many material circumstances in favour of the claim of Mr. Hope Johnstone. The resignation of 1657 affords important evidence in that direction. The favour which the sovereign had for the Earl of Annandale, and his showing that

¹ This case was a disputed contract of sale of coal and copper mines in Staffordshire. The purchaser alleged fraudulent representation on the part of the seller, and the evi-

dence was unprecedentedly voluminous and complicated.

² P. 43.

³ Life of Lord Lyndhurst, by Sir Theodore Martin, pp. 220, 221.

favour in intrusting to his lordship's legal adviser the preparing of the patent for the peerages and of the signature for the Stewartry of Annandale ; the provision for heirs-female introduced into the patent at the earl's desire, and in accordance with the circumstances of his family ; the giving him of a crown charter, confirming to him his whole earldom, with the dignity of an earl, with the destination to heirs-female of his body, after the heirs-male of his body, and the granting of an Act of Parliament further to secure him and his posterity in these benefits—all these facts materially go to support the claim of Mr. Hope Johnstone. Yet the Committee of Privileges have rejected his claim, and laid upon him the burden of extinguishing the heirs-male general of the patentee before he can establish a claim to the peerages. Whether the peerages will ever be carried by a successful claimant, or whether they will become extinct, or whether evidence hitherto undiscovered will be brought to light which will effect a settlement of the peerage contest, the future alone can reveal. Meanwhile the family of Hope Johnstone have fought an honourable battle, and fought it in a way which must always be honourable to them.

SPEECHES by JOHN JAMES HOPE JOHNSTONE, Esquire of Annandale, and WALTER FRANCIS, DUKE OF BUCCLEUCH AND QUEENSBERRY, at a Banquet to his Grace on his first visit to Dumfries, 1st October 1828. Mr. HOPE JOHNSTONE, as Chairman, was supported on the right by the Duke, and on the left by Sir WALTER SCOTT, Baronet.

AFTER the health of his Majesty and the other loyal toasts had been drunk, the Chairman rose and requested a bumper to the next leading health of the day, and expressed himself nearly as follows :—

“ I beg now to direct your attention to the toast most immediately connected with the object of our meeting, and, in rising for this purpose, I cannot refrain from expressing my regret that the duties of this chair have not devolved upon one of the many whom I see around me, more able than I am to discharge them aright. I am, indeed, deeply impressed with a sense of my inability to do justice to your feelings, or express in a fitting manner the sentiments under the influence of which you are now assembled ; and this renders to me a matter of much anxiety what would otherwise have been a source of unqualified satisfaction, for I will not yield to any one either in a sense of the importance of the interests which are involved in the toast I am now to propose, or in a truly cordial feeling towards the noble individual who is the object of it.

“ To you, gentlemen, all preface is unnecessary. One sentiment pervades you all, and the toast needs not to be explained and requires no recommendation ; but I think myself called upon, standing in the situation in which you have done me the honour to place me, to address a few words to our noble guest. My Lord Duke, you have come among us for the first time since you attained to that age at which, according to the usage of the country, the administration of your own affairs, and the discharge of the duties which attach to the station you fill in society devolve upon yourself. This era is ever held as affording much cause for congratulation, and with justice, for surely no event in the life of an individual can be conceived more interesting than that which, by imposing upon him the responsibility, invests him with the dignity of a man. But, in the case of your Grace, this feeling is not excited in the minds of those alone who are

connected with you by the ties of blood, or personal friendship, or party. It takes a wider range ; you are placed in a situation which may truly be said to connect you with the great family of mankind, and which may render you the object of very general attention ; and we, particularly and warmly interested in the welfare of this county, wherein so large a portion of your Grace's property is placed, and which must be greatly affected by the influence of your conduct and example, have felt ourselves called upon to come forward—and while we congratulate you, as we beg most cordially to do, on your having attained to man's estate with such brilliant prospects open before you—to express also the expectations which we entertain.

"It is scarcely necessary for me to remark that it is not on the possession of rank, and wealth, and influence, considered merely as such, high, and ample, and powerful though they be, that we thus address your Grace. These do not necessarily confer a truly honourable distinction or procure for the possessor the sincere tribute of respect and esteem. It is upon the possession of these advantages as the means by which your Grace may render yourself eminently useful to your country and your race that we congratulate you. It is in the hope that we shall see those means applied in promoting every measure which tends to enlarge the sum of human happiness that we are now met. We look upon your Grace and feel thus warmly interested in you, not as being raised by external circumstances above the consideration of the necessities of humanity, and a participation in its cares, but as being imperatively called upon by those very circumstances to devote your mind to the study of the causes which are productive of individual misery, or national calamity, that you may labour to alleviate or remove them.

"And, my Lord Duke, entertaining these sentiments, it is with the most heartfelt satisfaction that we are enabled to state that, whether we look to the characters of those from whom you imbibed the principles of moral obligation, or to what we already know of your own character and disposition, we think ourselves entitled to mingle as much of confidence as of hope in the expectations which we form. I trust your Grace will not consider this tone as being more serious than the occasion warrants.

"We are not ret for the purpose of idle ceremony, or to pay your Grace unmeaning compliments. We should insult your understanding did we offer any such. Our object is to state plainly and sincerely our anxious hope that your life may be long and prosperous and happy, and that your happiness may flow from the exercise of every virtue which can dignify and adorn the exalted sphere in which you are destined to move. Your journey through life will then be truly blessing and blest. The extent of benefit which you estimate, assuredly it will be great. The consequences to yourself we can foresee without difficulty. You will daily obtain a greater share of the approbation and confidence of your country, while you will enjoy those pleasures which are

calculated to delight a well-regulated and reflecting mind. And when your term of activity is brought to a close, and we sincerely pray that the day may be very distant, you will then be sustained and encouraged by the reflection that you have endeavoured faithfully to discharge your relative duties, and to answer the important ends for which you have been so largely invested with worldly advantages beyond your fellow-men."

After the applause had subsided, His Grace rose and spoke nearly as follows :—

" Gentlemen, I return you thanks for the honour you have now done me. I am aware that it can proceed from no merit of mine, and that I must ascribe the compliment to your kindness alone. Hitherto I have been seldom among you ; but I intend to spend the greater part of my time in this county. I have high and important duties to perform, which occupy much of my time, but, I assure you, I have the welfare of my native country most sincerely at heart, and will always do my utmost to promote its interests. (Great cheering.)

" Gentlemen, it gives me heartfelt joy to be so cordially welcomed by a body of men with whom I am so nearly connected. Long and proudly will I remember the kind reception I have experienced from you all, and I again return you my warm thanks for the present mark of your friendship. In a particular manner, I thank my friend, Mr. Hope Johnstone, for the flattering expressions he was pleased to use in reference to the situation I hold, and the results which he anticipates from it, which I trust will in some degree be realised. (Great applause.) I have been so fortunate as to be blest with guardians, and tutors, who have assiduously instilled into my mind from my infancy the necessity of establishing a character for myself, independently of the advantages of birth and fortune, by making use of the station in which I am placed for promoting the general welfare, and it shall be my study to profit by their excellent instructions. In doing this, I shall best fulfil the expectations of the gentlemen around me, as was so well stated by my excellent friend.

" I cannot express my sentiments as my feelings would urge me to do, but I hope the company will be kind enough to excuse me."

His Grace again expressed thanks for the attention with which they had heard him, and sat down, evidently overpowered, amidst the reiterated applause of the meeting.

His Grace afterwards rose and eraved a bumper to the health of a gentleman of whom they all knew so much, that it would be presumption in him to extatiate upon his worth. He alluded to his friend, Mr. Hope Johnstone, and he would now propose his health with three times three. (Great applause followed this toast.)

A BRIEF NOTICE OF JOHN JAMES HOPE JOHNSTONE, ESQUIRE OF ANNANDALE, written after his death, on 11th July 1876.

THROUGHOUT the whole Border lands much regret will be felt for the death of the venerable and much-respected Mr. Hope Johnstone of Annandale. The melancholy event occurred in the most peaceful manner, at his mansion of Raehills on the afternoon of Tuesday. He was attended in his last illness by his daughters, Miss Hope Johnstone and Lady Graham Montgomery, and by his brother, Admiral Sir William Hope Johnstone, and other members of his family. Immediately before his death, he took affectionate farewells, first of his family, and then of his household servants, several of whom have been in his service for lengthened periods. Up till the end of last year Mr. Hope Johnstone enjoyed his wonted good health, but on the eve of New Year's Day he had a slight faint, which, however, only lasted a short time, and on the following Sabbath he was able to attend Johnstone Church. Several weeks later he attended the celebration of the communion there, when he officiated as an elder, without feeling any fatigue. Soon afterwards, however, he complained of giddiness, loss of appetite, and general debility. In the course of a few months he became very emaciated, and gradually sank as if from general decay.

Born in the year 1796, he was in his eightieth year. Succeeding, on the death of his mother, the late Lady Anne Johnstone Hope, in 1818, to the Annandale estates, he has possessed them for well-nigh sixty years. During that long period the deceased gentleman held a prominent position as the second largest landed proprietor in the county of Dumfries. He twice represented the shire in Parliament—first for a period of seventeen years from 1830, and again for eight years from 1857; and though party feeling in those years often ran high, such was the general esteem in which he was held, and such was the respect entertained for his high character by men of all parties, that his claims, and renewed claims, to represent the county were never opposed. As an instance of the high position which he held as a Scottish representative, it is well known that when the final deputation from the Church of Scotland waited upon the Government of Sir Robert Peel to make a last effort to avert the threatened disruption, Mr. Hope Johnstone was unanimously chosen to state the claims of the Church to Sir James Graham, then Home Secretary, by whom the deputation was received. It was a critical time, and great prudence was required. Mr. Hope Johnstone stated the case very dispassionately; but when he indicated his own private opinion, from what he knew of the feeling which existed in the county of Dumfries,

that there would be a large secession from the Established Church if remedial measures were not adopted, the Secretary of State, disbelieving in any disruption, tossed his head in defiance of such a step. The event soon showed that the English Borderer was wrong and the Scottish Borderer right.

A scion of one noble house, and called by inheritance to represent another, Mr. Hope Johnstone happily blended in his own person the courtly dignity of the Hopes with the stout valour of the Border Johnstones. He was the eldest son of Admiral Sir William Johnstone Hope, a great-grandson of the first Earl of Hopetoun, and of the Lady Anne Hope, the eldest daughter of James, third Earl of Hopetoun. His father, the Admiral, was a younger brother of the Lord President Hope, one of the inany eminent lawyers produced by the family of Hope from the days of Sir Thomas Hope, the famous Lord Advocate to King Charles the First, whose sons became judges while he himself was at the bar, and before whom, according to popular belief, he was wont to plead with his hat on, as it was unseemly for a father to uncover before his own sons. In a speech of Lord Chancellor Brougham in 1834 he alluded in very complimentary terms to the late Admiral Johnstone Hope as an officer of great distinction, and an old and valued friend of his own.

The Johnstones of that Ilk, who were represented by Mr. Hope Johnstone, were for centuries Lords of Lochwood, and were afterwards successively created Earls of Hartfell and Earls and Marquises of Annandale. The feuds between the Johnstones and the Maxwells are matters of history. One constant cause of contention was the Wardenship of the Marches, to which both these families laid claim. When the office was conferred upon one of them it was always an object of jealousy to the other, and many bloody feuds and conflicts arising therefrom fill the pages of Border history. At a meeting between the chiefs of Maxwell and Johnstone, which was intended to be conciliatory, and to establish a friendship between them, a misunderstanding arose amongst the attendants which reached to the chiefs. Lord Maxwell killed the Laird of Johnstone. For that slaughter he was convicted and afterwards executed. "The execution of Lord Maxwell," says Sir Walter Scott, "put a final end to the foul debate betwixt the Maxwells and the Johnstones, in the course of which each family lost two chieftains—one dying of a broken heart, one in the field of battle, one by assassination, and one by the sword of the executioner."

Before Mr. Hope Johnstone was of full age he married Miss Gordon, daughter of George Gordon, Esq., of Hallhead, in the county of Aberdeen, a lady of great beauty. A gentleman who met Mr. and Mrs. Hope Johnstone soon after their marriage still remembers the impression which they made upon him as the most handsome couple he had ever seen. Till within the last few months Mr. Hope Johnstone retained, even in his

eightieth year, all that natural stateliness and dignified and commanding appearance which distinguished him in his earlier years. His gentleness, urbanity, and amiability all remained to the close.

When the Caledonian Railway was first projected, Mr. Hope Johnstone entered warmly into the scheme, and became the first chairman of the company, an office which he held for several years. He promoted the interests of the Company with all his personal influence, which overcame much of the opposition to which it was originally exposed by rival schemes. At the outset, the Caledonian line was strongly resisted as little better than Utopian. It was, indeed, described, with reference to part of the wild districts through which it passes, as a mere railway of the mountain and the flood. But Mr. Hope Johnstone had the satisfaction of seeing the prosperity of that great undertaking.

Owing to his general amiability, Mr. Hope Johnstone was a great favourite with his own clan, and indeed with all classes. In Annandale, Moffatdale, and Evandale, where his interest chiefly lay, he was much beloved by his tenants and neighbours, and his memory will be long revered. He was, indeed, as much beloved by Maxwells as by Johnstones. All the old border feuds had been long buried in oblivion ; but the recollection of them was occasionally called up on special meetings between members of the once-rival houses. An instance of this is given in the "Book of Caerlaverock." When the late Mr. Alexander Maxwell of The Grove was on a visit at Rachills, the Rev. Dr. John Jamieson, author of the "Dictionary of the Scottish Language," was on a visit there at the same time. On being introduced to Mr. Maxwell by Mr. Hope Johnstone, the learned lexicographer, remembering the old feuds, held up his hands in astonishment at meeting a Maxwell in the house of the Johnstones. More remarkable still, perhaps, was the fact that Mr. Maxwell was in reality a Johnstone, having only adopted the name of Maxwell in consequence of his father, a Johnstone, having succeeded to Maxwell property. The respect and veneration which Mr. Maxwell entertained for Mr. Hope Johnstone were something quite remarkable, and many anecdotes were related by the friends of bygone events in their families. On one occasion, when Johnstone, the Laird of Elshieshiels, was hard pressed by a creditor for payment of a debt, with a threat of being put to the horn for non-payment, he applied to his then chief of Annandale for assistance, who sent him this laconic and characteristic reply :—“Dear Elshie, money is as scarce up here as it is down with you ; but come here and shelter yourself till the blast blows by.”

One important matter in which the late Mr. Hope Johnstone became early engaged, after his succession to his mother in 1818, was his claim to the Peerages of Annandale ; and a renewed claim recently made by him was among the last matters of

business to which he was able to attend. On the death of the third and last Marquis of Annandale in 1792, he was succeeded in the Annandale estates by his grand-nephew, James, third Earl of Hopetoun, who also claimed the Annandale Peerages, but died before the claim was determined. His eldest daughter, Lady Anne Johnstone Hope, also claimed the dignities on her succession to the estates. But as her death occurred soon afterwards, no decision was come to. The claim of the late Mr. Hope Johnstone was long in dependence before the House of Lords. In 1834 Lord Chancellor Brougham made an elaborate speech, with a manifest leaning in favour of the claim. At the conclusion of the speech, Lord Brougham came to the bar where Mr. Hope Johnstone was standing and shook hands with him, cordially congratulating him as soon to be Earl of Annandale. King William the Fourth also congratulated Mr. Hope Johnstone in similar terms on the information of Lord Brougham. So general was the feeling that Mr. Hope Johnstone had then made out his claim that congratulations were conveyed from high quarters in even more marked ways than those referred to. After other ten years' delay, however, a resolution was come to that the claim had not been made out. But this was not a final decision, as a right was reserved to Mr. Hope Johnstone to make a new claim. Owing to a remarkable and almost miraculous discovery of a long-lost document of great importance, Mr. Hope Johnstone's renewed claim has recently been made with every prospect of success. His printed Case in support of it was deposited in the House of Lords on Friday last, and it bears the authoritative names of the present Dean of Faculty and Solicitor-General, Mr. Cotton, Q.C., and Mr. Kinnear, advocate. In that Case the discovery of the important document is fully explained, and it appears to simplify the claim, and to free it from the perplexities in which it was so long involved even by the most eminent lawyers, who were not aware of the existence of the important document referred to.

Mr. Hope Johnstone was hereditary keeper of Robert Bruce's Castle of Lochmaben, and at the time of his death he was Deputy-Governor of the Commercial Bank of Scotland. He had been for many years Convener of the county of Dumfries, of which he was a Justice of the Peace and a Deputy-Lieutenant.

Mrs. Hope Johnstone predeceased her husband in the year 1868. The eldest son of their marriage was William James Hope Johnstone, who married the Honourable Octavia Sophia, youngest daughter of Alexander, second Lord Macdonald. He died in 1850, leaving three sons and one daughter. The eldest son, Captain John James Hope Johnstone, who has served in the army both at home and abroad, is the present popular member of Parliament for the county of Dumfries. He succeeds his grandfather in the large Annandale estates, and will also take his place as the claimant of the Annandale Peerages.

COLLECTED SIGNATURES OF THE JOHNSTONES
OF ANNANDALE AND OTHERS.

I. SIGNATURES OF ROYAL PERSONAGES.

James V

No. 1.

No. 2.

Mary, Queen of Scots

No. 3.

Charles I

No. 5.

No. 4.

1. King James the Fifth, 1542.
2. Mary, Queen of Scots, 1565.
3. Henry and Mary, King and Queen of Scots, 1565.
4. King James the Sixth, 1581.
5. King Charles the First, 1639.

A cursive signature of "James R." in black ink on aged paper. The signature is fluid and elegant, with a large loop over the 'a' and 'm'.

No. 1.

A cursive signature of "William R." in black ink on aged paper. The signature is fluid and elegant, with a large loop over the 'i' and 'm'.

No. 2.

A cursive signature of "W. R." in black ink on aged paper. The signature is fluid and elegant, with a large loop over the 'W' and 'R'.

No. 3.

A cursive signature of "William R." in black ink on aged paper. The signature is fluid and elegant, with a large loop over the 'i' and 'm'.

No. 4.

A cursive signature of "Anne R." in black ink on aged paper. The signature is fluid and elegant, with a large loop over the 'n' and 'a'.

No. 5.

1. King James the Seventh, 18th October 1688.
2. King William the Third, 1689.
3. King William the Third's initials, 1689.
4. King William the Third, 1701.
5. Queen Anne, 1711.

II. SIGNATURES OF THE JOHNSTONES OF ANNANDALE.

John Johnstone of Annandale
Ilk

No. 1.

John Johnstone
of Annandale
Johnstone

No. 2.

John Johnstone
of Soulseat

No. 3.

Johnstone

No. 4.

Johnstone

No. 5.

John Johnstone
of Soulseat
Johnstone

No. 6.

1. John Johnstone of Johnstone, 1542-3.
2. John Johnstone of that ilk, 1543.
3. John Johnstone, Commendator of Soulseat, 1563.

4. Sir John Johnstone of Johnstone, 2nd July 1573.
5. Sir John Johnstone of Johnstone, 2nd Dec. 1578.
6. Sir John Johnstone of Johnstone, 9th Dec. 1577.

MARGARET LADY
Johnstone
No. 1.

Elizabeth Johnstone
Lady Applegarth younger
No. 2.

Thomas Johnstone
Johnstone
No. 3.

Sir James Johnstone
Johnstone
No. 4.

No. 5.

1. Dame Margaret Scott, Lady Johnstone, 23rd June 1598.
2. Elizabeth Johnstone, Lady Applegarth, younger, 24th December 1587.

3. James Johnstone of that ilk, March 1590.
4. Sir James Johnstone of Johnstone, knight, 1593.
5. Sara Maxwell, Lady Johnstone, 1608.

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

No. 7.

No. 8.

1. James Johnstone of Johnstone, 1631.
2. James, first Earl of Hartfell, 1643.
3. Elizabeth Johnstone of Elphinstone, second Countess of Hartfell, 1643.
4. Lady Margaret Hamilton, Dowager of David, Lord Carnegie, Countess of Hartfell, 1648.

5. James, Master of Johnstone, afterwards first Earl of Annandale and second Earl of Hartfell, 1643.
6. James, second Earl of Hartfell, 1657.
7. James, first Earl of Annandale, 1666.
8. Henrietta Douglas, Countess of Annandale, 1662.

Annandale

No. 1.

S. Annandale S. Annandale

No. 2.

No. 3.

C. Annandale

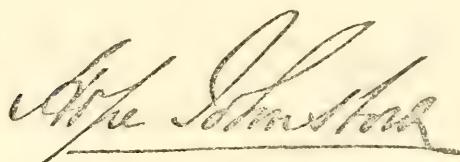
No. 4.

Annandale & B. Annandale

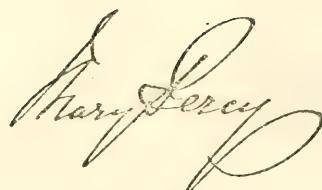
No. 5.

No. 6.

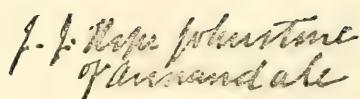
1. William, Earl, afterwards first Marquis of Annandale, 1698.
2. Sophia Fairholme, Countess, afterwards first Marchioness of Annandale, 1685.
3. Sophia, first Marchioness of Annandale.
4. Charlotta, second Marchioness of Annandale, 1757.
5. James, second Marquis of Annandale.
6. George Vanden Bempde, third Marquis of Annandale.



No. 1.



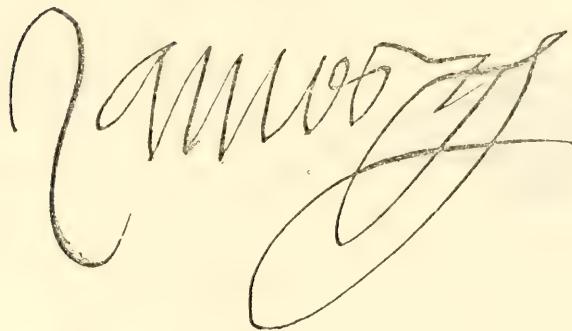
No. 2.



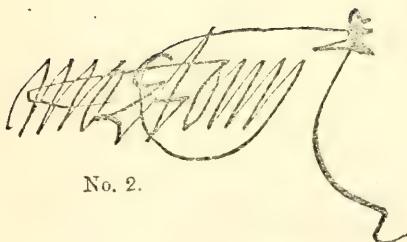
No. 3.

1. John James Hope Johnstone, Esquire, of Annandale, 1839.
2. The Hon. Mary Hope Johnstone, Mrs. Percy, 1840-1851.
3. John James Hope Johnstone, Esquire, of Annandale, 1890.

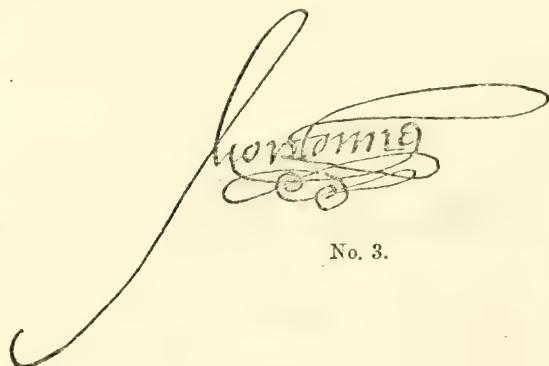
III. MISCELLANEOUS SIGNATURES.



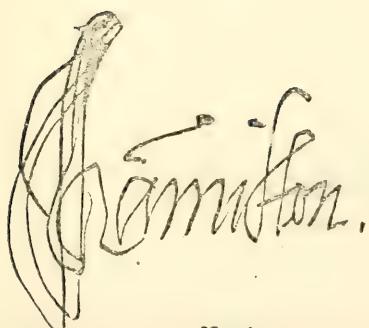
No. 1.



No. 2.



No. 3.



No. 4.



No. 5.

1. James, Earl of Arran, Governor of Scotland, 1511.
2. James Douglas, fourth Earl of Mortoun, 1580.
3. John Maxwell, Earl of Mortoun, 13th March 1592-3.
4. John, Lord, afterwards first Marquis of Hamilton, 1589.
5. William, tenth Earl of Angus, 1592.

Sanquhar

No. 1.

Herries

No. 2.

Sanderson

No. 3.

Menteith

No. 4.

Buccleuch

No. 5.

Ancram

No. 6.

1. Robert, Lord Crichton of Sanquhar, 18th November 1599.
2. John Maxwell, sixth Lord Berries, 1609.
3. John Spottiswood, Archbishop of St. Andrews, 1618.

4. William, seventh Earl of Menteith, 1630.
5. Walter Scott, first Earl of Buccleuch, 1632.
6. Robert, first Earl of Ancram, 1633.

William Howard: Lag

No. 1.

Lag

No. 2.

Marchmont Tullibardine

No. 3.

No. 4.

David Hume

No. 5.

1. Lord William Howard of Naworth (Belted Will), 1636.
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3. Patrick, first Earl of Marchmont, 1698.
4. John, Earl of Tullibardine, 1698.
5. David Hume, the historian, 1745.

COLLECTED SEALS, SHOWING THE ANNANDALE
ARMS AS BORNE BY THE DOUGLASES.



No. 1.



No. 2.



No. 3.

1. Seal of Archibald, first Duke of Touraine, Earl of Douglas, Lord of Galloway and Annandale.
2. Seal of Princess Margaret Stewart, Duchess of Touraine, Countess of Douglas, Lady of Galloway and Annandale.
3. Seal of Archibald, second Duke of Touraine, Earl of Douglas, etc., Lord of Lauder and Annandale.

COLLECTED SEALS OF THE JOHNSTONES OF
ANNANDALE



No. 1.



No. 2.



No. 3.



No. 4.

1. Seal of James Johnstone of Johnstone, 1631.
2. Seal of James, first Earl of Annandale, 1666.
3. Seal of William, first Marquis of Annandale.
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